

Congress of the United States
House of Representatives
Washington, DC 20515–1304

September 11, 2025

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

The Honorable Pamela Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Secretary McMahon and Attorney General Bondi:

We are outraged by the Department of Education’s and Department of Justice’s recent decision to rescind their joint 2015 guidance that provided critical, legally grounded direction to states and school districts on how to comply with laws and Supreme Court decisions that address the education of English learner (EL) students.¹ This decision, along with the dismantlement of the Office of English Language Acquisition (OELA), the proposed elimination of Title III (English Language Acquisition grants),² and the Department of Justice’s retreat from oversight agreements with noncompliant school districts, represents a sweeping and deliberate attack on the rights of millions of children.

Let us be clear: the law is still the law. Nearly five million EL students across the United States depend on schools to provide linguistically appropriate instruction and support and federal law requires that they be given meaningful access to education.³ The Department’s decision sends a dangerous and misleading signal to states and school districts that compliance with decades of established precedent, including *Lau v. Nichols* (1974), and *Castañeda v. Pickard* (1981), as well as with Title VI of the *Civil Rights Act* and the *Equal Educational Opportunities Act* (EEOA) and Title III of the *Elementary and Secondary Education Act* (ESEA/ESSA) is optional. This

¹Ileana Najaro, *Trump Admin. Quietly Rescinds Guidance on English Learners’ Rights* (August 20, 2025)

<https://www.edweek.org/teaching-learning/trump-admin-quietly-rescinds-guidance-on-english-learners-rights/2025/08>

²John Fensterwald, Diana Lambert, Emma Gallegos, and Zaidee Stavely, *Trump’s Budget Would Abolish Funding for English Learners, Adult Ed, Teacher Recruitment, Ed Source* (August 20, 2025), <https://edsource.org/2025/trumps-budget-would-abolish-funding-for-english-learners-adult-ed-teacher-recruitment/732198>

³U.S. Dep’t of Educ. & U.S. Dep’t of Justice, *Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs*, Office for Civil Rights (PDF) <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/dcl-factsheet-el-students-201501.pdf>

rescission raises serious concerns that states, school districts, and schools with misinterpret their statutory obligations and face lawsuits.

The withdrawn guidance played a critical role in ensuring that state and local education agencies understood their obligations and that parents had clear, accessible information about their rights. Rolling it back not only undermines transparency, it directly limits parent choice, especially for parents with limited English proficiency who now face new barriers to making informed decisions about their child's education.

Moreover, this action is part of a troubling pattern of deprioritizing EL students at the federal level. Both the Office of English Language Acquisition (OELA) and the Office for Civil Rights (OCR) need sufficient staffing and resources to enforce the law and safeguard the rights of ELs. Rolling back guidance while simultaneously failing to adequately staff enforcement offices compounds inequities and weakens oversight.

The 2015 guidance was widely recognized by educators and advocates as a cornerstone document for ensuring that EL students were not left behind. Removing this guidance sends a clear and troubling signal that this administration is willing to disregard its legal obligation and undermine the rights of millions of children. At the same time, dismantling OELA deprives schools of federal expertise and technical support they need to meet their obligations under the law.⁴ These actions are indefensible and willfully negligent.

Accordingly, we demand that the Department immediately:

1. Reinstate the 2015 guidance, reaffirming districts' binding obligations to provide EL students with equal access to education under Title VI, EEOA, ESEA/ESSA, and Supreme Court precedent.
2. Fully fund and staff OELA to restore its capacity to provide essential technical assistance and oversight.
3. Protect federal funding that allows states and districts to hire and retain EL-certified teachers.
4. Restore monitoring and enforcement mechanisms, in coordination with the Department of Justice, to guarantee compliance by districts with histories of exclusion or neglect of EL students.
5. Provide Congress with a full written explanation of the Department's legal rationale for rescinding the 2015 guidance, including how the Department intends to comply with its statutory obligations.

⁴Ileana Najarro, *Who Will Support English Learners? Experts Warn of Crisis*, Education Week (August 28, 2025), <https://www.edweek.org/teaching-learning/who-will-support-english-learners-experts-warn-of-crisis/2025/04>

In addition, we request detailed responses to the following questions:

1. What specific steps will the Department take to guarantee that EL students are not denied equal educational opportunity in the absence of the 2015 guidance?
2. How does the Department and DOJ plan to ensure states and districts remain in compliance with the EEOA, Title VI, ESEA, and relevant Supreme Court precedent (*Lau v. Nichols*, *Plyler v. Doe*) in the absence of this guidance? How do you intend to enforce these laws and precedents in practice?
3. How many staff positions have been eliminated at OELA since January 2025? Which positions remain, and what functions are they currently serving?
4. What steps will the Department and DOJ take to ensure parents with limited English proficiency have meaningful access to information and decision-making in their child's education?
5. What is the Department's plan to ensure states and districts understand their obligations to EL students without the 2015 guidance in place?
6. Did the Department consult with stakeholders, including educators, civil rights organizations, and parents of EL students prior to rescinding the guidance? If so, please provide a list of those consulted and copies of any materials received.

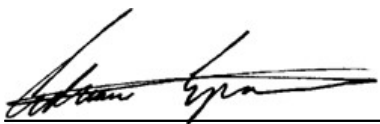
We urge you to immediately reverse this harmful course and restore the 2015 guidance to protect EL students and their families. If the Department fails to reverse course, we will pursue legislative and oversight action to ensure that EL students receive the protections and support to which they are entitled.

Thank you for your attention to this matter. We look forward to your response within 30 days.

Sincerely,



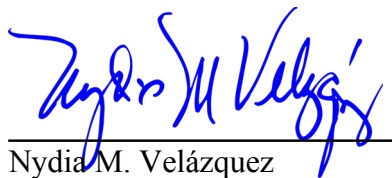
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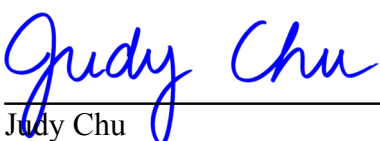
Adriano Espaillat
Member of Congress



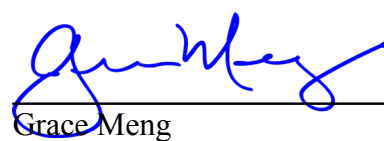
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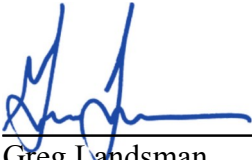
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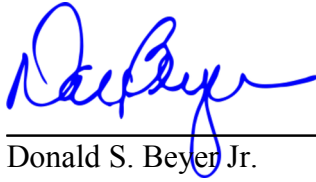
Judy Chu
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Grace Meng
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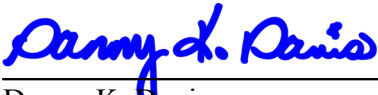
Greg Landsman
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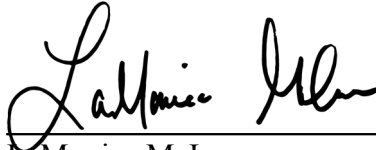
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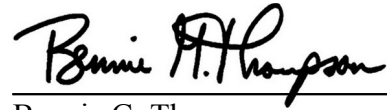
JM Tokuda
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Danny K. Davis
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LaMonica McIver
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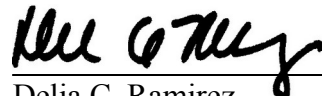
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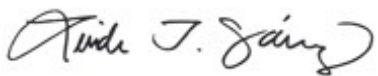
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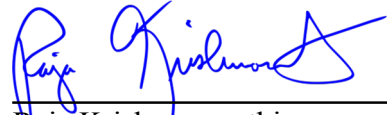
Summer L. Lee
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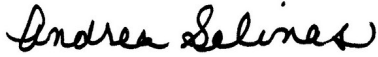
Kathy Castor
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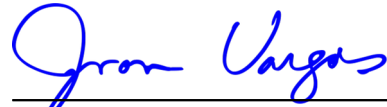
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Andrea Salinas
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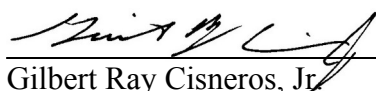
Terri A. Sewell
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Juan Vargas
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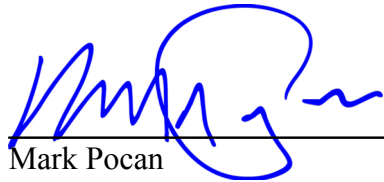
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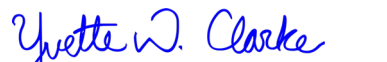
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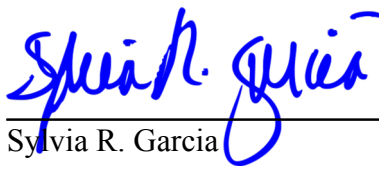
Ilhan Omar
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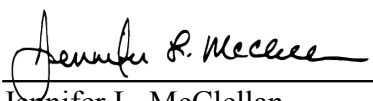
George Whitesides
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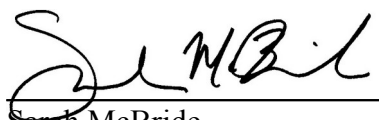
Sylvia R. Garcia
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Alexandria Ocasio-Cortez
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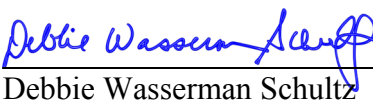
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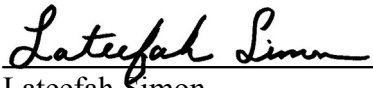
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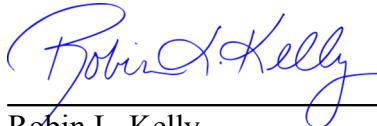
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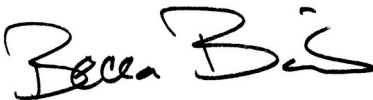
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Norma J. Torres
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