



Sent Via Email to: EDFOIAManager@ed.gov

July 16, 2026

U.S. Department of Education
Office of the Executive Secretariat
FOIA Service Center
400 Maryland Avenue, SW, LBJ 7W106A
Washington, DC 20202-4536
Attn: FOIA Public Liaison

**Re: Freedom of Information Act Request Regarding Department of
Education Interagency Agreements**

Dear FOIA Public Liaison,

The National Center for Youth Law and the Lawyers' Committee for Civil Rights Under Law ("Requestors") submit this letter to the FOIA Service Center at the U.S. Department of Education ("ED" or the "agency") as a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, et seq. We ask that this request be expedited pursuant to 5 U.S.C. § 552(a)(6)(E) and that we be granted a fee waiver. We also ask that you refer the requests contained in this letter to the Office for Civil Rights ("OCR") and/or Office of Special Education and Rehabilitative Services ("OSERS"), as appropriate.

On June 16, 2026, the U.S. Department of Education announced that it was entering into new interagency agreements ("IAAs") with the Departments of Justice ("DOJ") and Health and Human Services ("HHS").¹ ED announced that it was partnering with DOJ on, among other things, civil rights enforcement, and with HHS on special education and rehabilitative services. ED asserted that these IAAs would "reduce federal bureaucracy and improve the efficient delivery of federally funded programs and activities to better support students and families."²

One of the IAAs was entered between ED's OCR and the Department of Justice's Civil Rights Division ("CRT"). Under the terms of the OCR and CRT IAA ("OCR-CRT IAA"), the agencies agreed to work together to bolster the evaluation, investigation, and resolution of civil

¹ Press Release, U.S. Dep't of Educ., U.S. Department of Education Announces Additional Partnerships to Strengthen Coordination for Individuals with Disabilities Programs, Bolster Civil Rights Enforcement (June 16, 2026) (public access file), <https://www.ed.gov/about/news/press-release/us-department-of-education-announces-additional-partnerships-strengthen-coordination-individuals-disabilities-programs-bolster-civil-rights>

² *Id.*

rights complaints. Among other things, OCR agreed to refer civil rights complaints, compliance reviews, and directed investigations to CRT for investigation and attempted resolution. The OCR-CRT IAA also provides that OCR will exercise its statutory and regulatory responsibilities in coordination with CRT. ED will retain its formal leadership, mediation function, and responsibility to develop policy guidance. ED also agreed to reimburse DOJ for the services provided under the agreement.

One of the other IAAs was entered between ED's OSERS and HHS ("OSERS-HHS IAA").³ The stated purpose of the OSERS-HHS IAA is to affirm the agencies' "common commitment to improving early childhood, educational, and employment outcomes and raising expectations for all individuals with disabilities."⁴ Under the terms of the OSERS-HHS IAA, HHS agrees to, among other things, provide support to administer a number of formula and discretionary grant programs, including those authorized under the Individuals with Disabilities in Education Act ("IDEA"), the Rehabilitation Act of 1973, and the Disability Innovation Fund. HHS will also support OSERS' efforts around enforcement, compliance, and monitoring activities under the grant programs. ED will continue to provide general oversight and management of OSERS' responsibilities. ED also agreed to reimburse HHS for the services provided under the agreement.

These IAAs, which will transfer fundamental responsibilities out of ED, are consistent with President Trump's campaign promise to shut down or otherwise significantly diminish ED.⁵ The IAAs have also raised questions about what these transfers will mean for the work done by OCR and OSERS. One former OSERS employee is skeptical that the IAAs will lead to greater efficiency or better service for students and families, remarking: "This isn't a late-model Toyota that you can sell for parts and get the best bang for your buck."⁶ Another former ED employee explained that the IAAs will "separate out oversight of the implementation of IDEA and . . . decimate civil rights protections that have been in place for more than 50 years."⁷

Advocates have raised concerns as well. Denise Marshall, who leads the Council of Parent Attorneys and Advocates, said: There is no logical sense why anyone would move [OSERS] under HHS. We're not going to all of a sudden go to our surgeon to learn how to

³ Fact Sheet, U.S. Dep't of Educ. & U.S. Dep't of Health & Hum. Servs., Fact Sheet: Department of Education (ED) and Department of Health and Human Services (HHS) Special Education and Rehabilitative Services Partnership (June 16, 2026) (public access file), <https://www.ed.gov/media/document/fact-sheet-department-of-education-and-department-of-health-and-human-services-special-education-and-rehabilitative-services-partnership-114238.pdf>.

⁴ Interagency Agreement, U.S. Dep't of Educ. & U.S. Dep't of Health & Hum. Servs., Interagency Agreement Between the U.S. Department of Education and U.S. Department of Health and Human Services Relating to Special Education and Rehabilitative Services (June 15, 2026) (public access file), <https://www.ed.gov/media/document/ed-and-hhs-interagency-osers-partnership-updated-61526-114241.pdf>.

⁵ Corey Turner & Jonaki Mehta, *At McMahon's confirmation hearing, it was the Education Department on trial*, NPR All Things Considered (Feb. 13, 2025), <https://www.npr.org/2025/02/13/nx-s1-5258255/trump-cabinet-picks-linda-mcmahon-confirmation-hearing>; Dana Goldstein, *Could Trump Shut Down the Department of Education?*, N.Y. Times (Nov. 13, 2024), <https://www.nytimes.com/2024/11/13/us/trump-close-department-of-education.html>.

⁶ Jonaki Mehta & Corey Turner, *Trump Further Guts Education Dep't by Shifting Oversight of Special Ed, Civil Rights*, NPR All Things Considered (June 16, 2026), <https://www.npr.org/2026/06/16/nx-s1-5717030/special-ed-civil-rights-education-department>.

⁷ *Id.*

read.”⁸ Shiwali Patel, who serves as the senior director of education justice at the National Women’s Law Center, stated: “With this move, the Trump administration would be systematically dismantling the Department of Education’s infrastructure that protects students’ civil rights and equal access to education, eroding protections for millions of students.”⁹

Further complicating the situation, ED has not provided any details about when the transfer of responsibilities in the IAAs will take place. Nor has it provided any information about how impacted students and families will be notified about the upcoming changes. The school year is starting soon—in some places in only a matter of weeks—and yet no information has been provided about how these IAAs may impact students and families. Further compounding the situation, ED has not explained how it will ensure that staff at DOJ and HHS will have the necessary training and expertise to handle these new responsibilities. They have also not indicated whose rules or procedures will be used to enforce the applicable laws. This has understandably led to fear and confusion. Families do not know what will happen to their pending discrimination complaints and investigations; these complainants do not know the regulations, standards, processes, and procedures that will be applied to their complaints. Families do not know what agency will be responsible for enforcing existing resolution agreements, where OCR made findings of discrimination and was expected to hold school districts accountable. Likewise, families that rely on services provided through OSERS do not know how those services might be impacted. ED has taken no meaningful steps to allay these fears and confusion. In fact, a July 9, 2026 meeting that ED convened with disability rights advocates about the OSERS-HHS IAA only caused greater alarm and uncertainty.

In light of these developments, Requestors are hereby serving a Freedom of Information Act Request as outlined below.

Application for Expedited Processing

Requestors seek expedited processing of this request because there is an “urgency to inform the public about an actual or alleged Federal Government activity.”¹⁰ As discussed above, reports about the Department of Education’s recent activity raise many complex questions about how the agency’s operations may be shifting under the Trump administration. There is an urgent need for children, families, and stakeholders who advocate on their behalf to understand these changes and how they might impact their rights and the services they are expecting to receive. Families with children who confront discrimination on the basis of race, color, national origin, shared ancestry, and disability do not know whether it will be safe for their children to return to school in the coming school year. Parents of students who were subjected to sexual harassment at school have not heard any response to their complaints, and are not sure if they can send their children back to school free from harm. Likewise, parents of students with disabilities have been left in the dark about what these changes will mean in terms of ensuring that their children get the resources and support they need. Families do not understand what, if anything, they should

⁸ *Id.*

⁹ Jessica Blake, ED Shifts Some Civil Rights Enforcement to Justice Department, Inside Higher Ed (June 16, 2026), <https://www.insidehighered.com/news/government/2026/06/16/ed-shifts-some-civil-rights-enforcement-justice-department>.

¹⁰ 5 U.S.C. § 552(a)(6)(E)(i) & (v)(II).

do in response to these IAAs. Nor do they understand the timeline of any changes set for in the IAAs, and how ED will ensure any disruptions are minimized. As such, the requested records seek to inform the public about an important and time-sensitive issue affecting children and families across the country.

Requestors are also seeking expedited processing because the request concerns “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.”¹¹ There is no debate that there is an extraordinarily high level of media interest in the IAAs. Since ED announced the IAAs in mid-June, there have been multiple news articles addressing the agreements and seeking to divine as much information as possible about their impact.¹² These news articles have often highlighted concerns about the motivations underlying these IAAs. Given the Trump Administration’s repeated declarations that it is seeking to shut down ED, there are concerns about whether these IAAs will reduce or otherwise negatively impact the work that has been historically handled by the agency. The requested records seek to clarify these ambiguities and provide clarity about the motivations and intentions behind ED’s decision to enter into these IAAs.

Additionally, expedited processing is appropriate since the National Center for Youth Law is an organization “primarily engaged in disseminating information.”¹³ Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,¹⁴ the National Center for Youth Law “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.”¹⁵ The National Center for Youth Law uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and other media. The National Center for Youth Law also makes materials it gathers available on its public website and promotes their availability on social media platforms. The National Center for Youth Law will share and disseminate information obtained through this FOIA request with the public.

¹¹ 6 C.F.R. § 5.5(e)(1)(iv); 5 U.S.C. § 552(a)(6)(E)(ii).

¹² See, e.g.,

Corey Turner & Jonaki Mehta, At McMahon’s confirmation hearing, it was the Education Department on trial, NPR All Things Considered (Feb. 13, 2025), <https://www.npr.org/2025/02/13/nx-s1-5258255/trump-cabinet-picks-linda-mcmahon-confirmation-hearing>; Dana Goldstein, Could Trump Shut Down the Department of Education?, N.Y. Times (Nov. 13, 2024), <https://www.nytimes.com/2024/11/13/us/trump-close-department-of-education.html>; Jessica Blake, ED Shifts Some Civil Rights Enforcement to Justice Department, Inside Higher Ed (June 16, 2026), <https://www.insidehighered.com/news/government/2026/06/16/ed-shifts-some-civil-rights-enforcement-justice-department>; Kara Arundel, Ed Dept Addresses “Misconceptions” About Special Education Outsourcing, K-12 Dive (June 29, 2026), <https://www.k12dive.com/news/Ed-Dept-addresses-misconceptions-about-special-education-outsourcing/824008/>; Linda Jacobson, Splitting Up Special Ed and Civil Rights Will Dilute Services for Students, Experts Say, The 74 (June 25, 2026), <https://www.the74million.org/article/splitting-up-special-ed-and-civil-rights-will-dilute-services-for-students-experts-say/>

¹³ 5 U.S.C. § 552(a)(6)(E)(i) & (v)(II).

¹⁴ See *ACLU v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep’t of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

¹⁵ *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

Given the foregoing, the National Center for Youth Law has satisfied the requirements for expedited processing of this Request. We, therefore, ask that we receive a response within 10 days.

Application for Waiver or Limitation of Fees

The Requestors further asks that a waiver of document search, review, and duplication fees be granted on the grounds that disclosure of the requested records is in the public interest and is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”¹⁶ The National Center for Youth Law is a not-for-profit organization that advocates on behalf of vulnerable children. The Lawyers’ Committee for Civil Rights Under Law is a nonpartisan civil rights organization founded in 1963 by the nation’s leading lawyers at the request of President John F. Kennedy to secure equal justice for all through the rule of law by targeting the inequities confronting Black communities and other communities of color. Among other work, the Lawyers’ Committee strives to guarantee that all students receive equal educational opportunities in public schools and institutions of higher learning. Because of that work, the National Center for Youth Law and Lawyers’ Committee are uniquely situated to be able to understand the information sought through this request. This information is not being sought for commercial purposes, and it is the intent of the Requestors to distribute the information gleaned from the records sought from this request to other public interest groups and members of the public.

A. The Request is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the Requestor.

As discussed above, there is a substantial public interest in understanding the IAAs and the impacts they will have on the handling of civil rights discrimination complaints and the services provided to students with disabilities. Given the ongoing and widespread media attention to this issue, the receipt, review, and dissemination of the records sought will significantly contribute to public understanding of an issue of profound public importance.

B. The Requestor is a representative of the news media and the records are not sought for commercial use.

The Requestors are also not filing this Request to further a commercial interest. As such, a waiver of search fees would be appropriate here since Requestors qualify as a “representative of the news media” and the records are not sought for commercial use.¹⁷ The Requestors meet the statutory and regulatory definitions of “representative of the news media” because they gathers information, exercise editorial discretion in selecting and organizing documents, and “distribute the resulting work to the public.”¹⁸ The Requestors are therefore a “representative of

¹⁶ 5 U.S.C. § 552(a)(4)(A)(iii).

¹⁷ 5 U.S.C. § 552(a)(4)(A)(ii)(II).

¹⁸ *Nat’l Sec. Archive v. U.S. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

the news media” for the same reasons it is “primarily engaged in [the] dissemination of information.”¹⁹

Any information disclosed to its members and the public by the Requestors because of the responsive productions to this FOIA Request will be made available at no cost. Thus, a fee waiver would fulfill Congress’s legislative intent in amending FOIA.²⁰

Furthermore, courts have found other organizations whose mission, function, publishing, and public education activities are similar in kind to the Requestors’ to be “representative[s] of the news media” as well. Requestor National Center for Youth Law, for example, in 2014 published a two-part series in its former journal “Youth Law News” called “Achieving Equal Educational Opportunities for Native American Youth: Lessons from Communities Working for Change” and “Equal Educational Opportunities for Native American Youth” that relied, in part, upon information obtained from an OCR FOIA about the resolution of complaints filed by Indigenous students and families.²¹

Given these factors, fees associated with responding to these FOIA requests should be waived for the requestor as a “representative of the news media.”

Request for Information

The Requestors requests disclosure of the following records²² that were prepared, received, transmitted, collected and/or maintained by the agency, including but not limited to, OCR and OSERS:

1. Any and all records from January 20, 2025 to the present, reflecting prior draft IAAs, draft Memoranda of Understanding, or similar proposed agreements regarding the processing of civil rights complaints.
2. Any and all records from January 20, 2025 to the present, reflecting any executed agreements or documents delegating any statutory or regulatory authority from ED to DOJ.

¹⁹ 5 U.S.C. § 552(a)(4)(A)(ii)(II), (6)(E)(v)(II).

²⁰ See *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters.” (internal quotation marks omitted)).

²¹ Cf. *Judicial Watch, Inc. v. U.S. Dep’t of Justice*, 133 F. Supp. 2d 52, 53-54 (D.D.C. 2000) (finding Judicial Watch, self-described as a “public interest law firm,” a news media requester).

²² The term “records” includes all records or communications preserved in electronic or written form, including but not limited to correspondence, regulations, directives, documents, data, videotapes, audiotapes, e-mails, faxes, files, guidance, guidelines, standards, evaluations, instructions, analyses, legal and policy memoranda, minutes or notes of meetings and phone calls, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, manuals, technical specifications, text communications between phones or other electronic devices (including, but not limited to, communications sent via SMA or other text, Blackberry Messenger, iMessage, WhatsApp, Signal, Gchat, Microsoft Teams, Slack, or Twitter direct message), training materials or studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or videotapes, as well as any reproductions thereof that differ in any way from any other reproduction, such as copies containing marginal notations.

3. Any and all records from January 20, 2025 to the present, regarding the development and implementation of the OCR-CRT IAA, including, but not limited to:
 - a. Records reflecting the scope of responsibilities that would be transferred from ED OCR to DOJ;
 - b. Records reflecting any information regarding the potential division of enforcement responsibilities between ED and DOJ under the OCR-CRT-IAA;
 - c. Records reflecting any discussion regarding the process for transferring responsibilities from ED OCR to DOJ;
 - d. Records reflecting any discussion regarding the timeline for transferring any responsibilities from ED OCR to DOJ;
 - e. Records reflecting any discussion regarding the detailing or transferring staff from ED OCR to DOJ;
 - f. Records discussing plans for staffing and/or personnel to carry out the duties and responsibilities under the IAA;
 - g. Records reflecting any discussions regarding training of staff at DOJ on the processing and investigation of education-related complaints;
 - h. Records reflecting any discussion of any additional agreements or actions intended to take in order to grant DOJ authority, enforcement or otherwise, to enforce civil rights funding statutes against recipients of federal financial assistance from ED;
 - i. Records reflecting any information regarding which agency regulations DOJ will enforce when carrying out the responsibilities transferred to it under the OCR-CRT IAA;
 - j. Records reflecting how information about complaints and cases will be communicated to the parties and who will serve as the parties' primary point of contact through the lifecycle of a case;
 - k. Records reflecting which internal processes and procedures DOJ will use to assess incoming complaints and conduct investigations;
 - l. Records regarding systems that will be used for case tracking and information management;
 - m. Records regarding the planned or actual transfer of funds between ED and DOJ under the OCR-CRT IAA;
 - n. Records reflecting any plans to address privacy concerns or obligations associated with the sharing of information between ED and DOJ;
 - o. Records reflecting any discussions regarding trainings for DOJ staff regarding the Federal Educational Rights and Privacy Act; and
 - p. Communications related to the contents of the OCR-CRT IAA; and including with individuals or organizations that are not affiliated with ED or DOJ.
4. Any and all records from January 20, 2025 to the present reflecting any guidance, training, or other communication to OCR staff on the processing,

reviewing, investigation, and resolution of complaints in light of the OCR-CRT IAA.

5. Any and all records from January 20, 2025 to June 16, 2026 reflecting the number of complaints processed, reviewed, investigated, or resolved by DOJ-CRT staff.
6. Any and all records from June 16, 2026 to the present reflecting the number of complaints processed, reviewed, investigated, or resolved by DOJ-CRT staff.
7. Any and all records from January 20, 2025 to the present reflecting communications with OCR staff or other ED personnel regarding the OCR-CRT IAA.
8. Any and all records from January 20, 2025 to the present reflecting communications with DOJ-CRT staff or other DOJ personnel regarding the OCR-CRT IAA.
9. Any and all records from January 20, 2025 to the present reflecting communications with individuals other than personnel employed at ED or DOJ, including any non-governmental individual or organizations, regarding the OCR-CRT IAA.
10. Any and all records from January 20, 2025 to the present reflecting prior draft IAAs, memoranda of understanding, or similar proposed agreements regarding the treatment of disability related matters between ED, including but not limited to OSERS and HHS.
11. Any and all records from January 20, 2025 to the present regarding the development and implementation of the OSERS-HHS IAA, including, but not limited to:
 - a. Records reflecting the scope of responsibilities that would be transferred from OSERS to HHS;
 - b. Records reflecting any discussion regarding the process for transferring responsibilities from OSERS to HHS;
 - c. Records reflecting any discussion regarding the timeline for transferring any responsibilities from OSERS to HHS;
 - d. Records reflecting any discussion regarding the detailing or transferring staff from OSERS to HHS;
 - e. Records discussing plans for staffing and/or personnel to carry out the duties and responsibilities under the IAA;
 - f. Records reflecting any discussion of any additional agreements or actions necessary to take in order to grant HHS authority to fulfill responsibilities transferred from ED;

- g. Records reflecting any information regarding which regulations HHS will enforce when carrying out the responsibilities transferred to it under the agreement;
 - h. Records reflecting any communication regarding the timeline under which HHS will be responsible for IDEA fund disbursements;
 - i. Records reflecting any communications related to HHIS' handling of the monitoring schedule and/or the process by which that monitoring will occur; and
 - j. Communications related to the contents of the OSERS-HHS IAA, including with individuals or organizations that are not affiliated with ED or HHS.
12. Any and all records from January 20, 2025 to the present reflecting communications with OSERS staff or other ED personnel regarding the HHS IAA.
13. Any and all records from January 20, 2025 to the present reflecting communications with HHS staff regarding the OSERS-HHS IAA.
14. Any and all records from January 20, 2025 to the present reflecting communications with individuals other than personnel employed at ED or HHS, including any non-governmental individual or organizations, regarding the OSERS-HHS IAA.

* * *

Requestors asks that you search all records regarding agency business, including files or emails in the personal custody of agent officials, such as personal email accounts. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.²³

With respect to the form of production,²⁴ the Requestors request that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, the Requestors request that the records be provided electronically in a text searchable, static-image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates-stamped files.

Pursuant to applicable statutes and regulations, the Requestors expect a determination regarding expedited processing within 10 days.²⁵

²³ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149-50 (D.C. Cir. 2016).

²⁴ see 5 U.S.C. § 552(a)(3)(B),

²⁵ See 5 U.S.C. § 552(a)(6)(E)(ii).

Requestors are not seeking any information that falls within the scope of FOIA Exemptions 6 or 7(c).

If the Request is denied in whole or in part, the Requestors ask that you justify all denials by reference to specific FOIA exemptions. The Requestors expect the release of all segregable portions of otherwise exempt material. The Requestors reserve the right to appeal a decision to withhold any information or deny a waiver of fees.

Additionally, in order to avoid delays in receiving records, the Requestors request that records be produced seriatim as they become available. Due to the exigent circumstances surrounding this request, the Requestors are amenable to clarifying or narrowing the request if it would accelerate production. Please provide all responses, requests for narrowing or clarification, or other answers in writing.

Thank you for your prompt attention to this matter. Where possible, please provide responsive records in electronic format by email to jsmith@youthlaw.org and mpillera@lawyerscommittee.org. Please furnish any responsive records being sent by mail to:

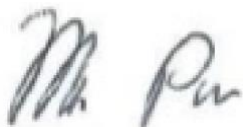
Johnathan Smith
National Center for Youth Law
2300 18th St N.W.
P.O. Box 21156
Washington, DC 20009

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief.²⁶

Sincerely,



Johnathan Smith
Managing Director, Education and Federal Strategic Advocacy
National Center for Youth Law



Michael Pillera

²⁶ See 5 U.S.C. § 552(a)(6)(E)(vi).

Director, Educational Opportunities Project
Lawyers' Committee for Civil Rights Under Law