

No. 24A1203

IN THE
Supreme Court of the United States

LINDA McMAHON, *et al.*

Applicants,

v.

STATE OF NEW YORK, *et al.*

**OPPOSITION OF SOMERVILLE PUBLIC SCHOOLS, ET AL., TO
APPLICATION FOR A STAY PENDING APPEAL**

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INTRODUCTION

For decades, States, school districts, and teachers have worked in close cooperation with the Department of Education to provide the Nation’s schoolchildren with vital educational services. Congress recognized that parents, local districts, and States have primary responsibility for public education and that the Nation benefits when the federal government provides them financial and expert assistance to carry out their missions. To that end, Congress established the Department of Education to assist in ensuring “equal access for all Americans to educational opportunities of a high quality.” 20 U.S.C. § 3401(2).

Over the years, various politicians have argued for and against abolishing the Department. Congress, which under Article I of the Constitution has authority for establishing federal agencies, defining their mission, and funding their operations, has long been aware of this debate. But Congress has never shown any inclination to terminate or even significantly curtail the operations of the Department. To the contrary, Congress has consistently funded the Department at or near the levels requested in budget proposals of Presidents of both political parties, and in Fiscal Year 2025 appropriated \$79.1 billion for the Department to carry out its mission.¹

This consistency has greatly benefited the Nation’s public schools and their students. For example, Title I of the Elementary and Secondary Education Act, the Department’s largest K-12 grant program, has for decades provided vital funds to

¹ See *Budget Tables*, Dep’t of Educ., <https://perma.cc/9XNY-8XUH> (captured June 12, 2025).

school districts for the education of children from low-income families. *See* 20 U.S.C. §§ 6301 *et seq.* Under the Individuals with Disabilities Education Act (“IDEA”), the Department supports students with disabilities and the schools, parents, and teachers who serve them. *See, e.g.,* 20 U.S.C. §§ 1402, 1406, 3417. The Office of Federal Student Aid (“FSA”) administers the federal student aid program for institutions of higher education and provides technical assistance to schools and borrowers to make applying for student aid possible. *See, e.g.,* 20 U.S.C. §§ 1018, 1087a(a), 1087b(a), 1087b(c), 1092(d). The Office for Civil Rights (“OCR”) reviews and investigates complaints of potential violations of federal antidiscrimination laws and provides technical assistance to help school districts comply with those laws. 20 U.S.C. § 3413; *see* 34 C.F.R. §§ 100.6(a), 100.12(b). The Institute of Education Sciences (“IES”) provides non-partisan statistics, research, and evaluation about “educational practices.” 20 U.S.C. § 9511(b). And supporting all these functions is the Department’s Office of General Counsel (“OGC”), whose attorneys assist Department personnel, States, and school districts in navigating virtually every aspect of the Department’s programs. 20 U.S.C. § 3421.

But now, instead of faithfully executing Congress’s laws, the leaders of the Department have set out to destroy the agency by executive fiat. Their objective is no secret: When Secretary McMahon, on March 11, issued the Mass Termination Order (“MTO”) cutting the Department’s workforce in half, she acknowledged that her goal was to “shut down the Department”—as President Trump had instructed her to do. *See* Gov’t App. 21a. On March 20, President Trump formally memorialized that

instruction in an Executive Order, directing the Secretary to “take all necessary steps to facilitate the closure of the Department.” *Id.* 20a. Neither the MTO nor the Executive Order cited any Congressional authority that would allow this dismantling.

The government argued below that none of this technically amounts to the elimination of the Department because a skeleton crew remains. But the law is concerned with substance, not mere appearances, and both lower courts saw through this artifice and recognized that the government was not likely to succeed on its argument that it is faithfully carrying out Congress’s mission by tearing the Department down to the plywood. The Department also has never articulated a reasoned explanation of how the benefits of such mission-stripping could possibly outweigh its dramatic and adverse consequences. Nor has it explained how it could fulfill its statutory mission after dismissing the staff needed to do this work.

In this Court, the government does not even seek a stay on the ground that the Department’s actions were substantively lawful or complied with the APA. And the issues that the government does raise—standing, subject matter jurisdiction, and the scope of the remedy—are not likely candidates for this Court’s review, as they are highly fact-dependent and implicate no conflict among the circuits. Furthermore, as both lower courts recognized, the detailed factual record below—which the government has never contested—established that Respondents’ own operations and efforts to educate their students will be irreparably harmed by the gutting of the Department. For without Department funding (for which there is no sufficient staff

to calculate and approve) Respondents are hindered from carrying out their own educational missions. And without the Department’s technical assistance, which is unavailable when the experts in complex fields have been dismissed, Respondents are hobbled in their efforts to educate their students.

Moreover, a principal purpose of preliminary injunctive relief—to preserve the status quo while the courts resolve a dispute—decisively counsels against a stay here. If the dismantling of the Department is allowed to go forward now, and if Respondents ultimately prevail at the end of this case, it will be effectively impossible to undo much of the damage caused. By contrast, if the government ultimately prevails in this case, it will be able to put its plans into operation merely slightly later than otherwise. Meanwhile, the district court is not superintending the Department’s operations; the court is simply preserving the status quo to permit orderly adjudication. Because the government has failed to establish any urgent necessity of intervention by this Court at this time, the application should be denied.

FACTUAL AND PROCEDURAL BACKGROUND

A. The Government Moves To Dismantle The Department

1. After Secretary of Education Linda McMahon was confirmed, the Department moved swiftly to roll up its operations. On the day of her confirmation, Secretary McMahon issued a memo titled “Our Department’s Final Mission,” the implementation of which would result in the “elimination” of the Department.² Eight days later, Secretary McMahon issued the MTO, explaining “[the President’s]

² Linda McMahon, Secretary, Dep’t of Educ., *Secretary McMahon: Our Department’s Final Mission* (Mar. 3, 2025), <https://perma.cc/T3LT-CELR>.

directive to me, clearly, is to shut down the Department of Education.”³ See ECF 26 at 6.

The Department announced it would dismiss staff “accounting for 50% of the Department’s workforce,” Gov’t App. 42a, as “part of the Department of Education’s final mission,” *id.* 58a. The Department’s workforce stood at 4,133 workers on Inauguration Day; after the MTO, the Secretary announced, the staff would number 2,183 workers. *Id.* 4a. The employees subject to the March 11 MTO were placed on administrative leave on March 21 and would have been separated from government service on June 9, 2025, absent the preliminary injunction. *Id.* 20a; App. 2a (MTO Announcement). Although employees subject to the MTO were told they would be put on administrative leave beginning March 21, and would receive an “official” RIF notice on April 9, *see* ECF 26 at 7-8, many employees were immediately locked out of Department computer systems, *id.* at 8, making any hand-off of existing work impossible.

On March 20, 2025, President Trump memorialized his instruction to dismantle the Department of Education in an Executive Order. Exec. Order No. 14242, 90 Fed. Reg. 13679 (Mar. 20, 2025). The Executive Order directs the Secretary to “take all necessary steps to facilitate the closure of the Department of Education.” *Id.* § 2. In the days since, the Secretary made clear that the MTO is part of an integrated plan to dismantle the Department. President Trump stated on March 21

³ Sareen Habeshian, *Education Secretary Says Mass Layoffs First Step toward Shutting down DoE*, Axios (Mar. 11, 2025), <https://perma.cc/7ZAL-83NS>; *see also* Ingraham Angle: *Education Secretary Says Department Took First Steps to Eliminate ‘Bureaucratic Bloat’* (Fox News television broadcast Mar. 11, 2025), <https://perma.cc/RMS3-5D2D>.

that “the student loan portfolio” would be “coming out of the Department of Education immediately.” Gov’t App. 22a. He also stated that the Department of Health and Human Services would “handl[e] special needs.” *Id.*⁴

Although the Secretary’s announcement stated that the Department would “continue to deliver on all statutory programs that fall under the agency’s purview,” App. 7a, she provided no explanation of how it would transition the work of 4,133 employees to half that number or reassign the responsibilities of specialized units to other teams without the requisite skills and expertise. Nor did she state whether or how the Department had assessed the costs and benefits of curtailing its functions or had considered the reliance interest of school districts, educators, students, and the public in the Department’s functions and services.

2. The cuts gutted Department operations, without regard for work continuity. The Department’s subsequent organizational chart shows an agency left in ruin, with numerous offices wiped off the chart or reduced to the top leadership positions explicitly created by Congress with no staff to carry out the work. *See* ECF 26 at 7 & App. 4a-21a (shading in red the offices eliminated by Secretary McMahon), ECF 27-3. The Secretary has dismissed whole offices and teams responsible for carrying out specific Congressional mandates, including:

- Within the Office of Special Education and Rehabilitative Services (“OSERS”), which administers IDEA, terminating the entire staff that

⁴ The Department was executing inter-agency agreements to transfer functions to the Department of Labor and the Treasury Department at the time the preliminary injunction was entered. ECF 147-1 at 3.

- provides implementation and guidance to states and other grantees, and the entire staff that communicates information to students, parents, schools, and states. Gov't App. 24a; ECF 27-8 ¶¶ 21-22.
- Within the Office of Elementary and Secondary Education ("OESE"), terminating the entire State and Grantee Relations team, which is the whole staff that connect states and other grantees with "the resources and relationships they need to . . . support and educate students nationally." Gov't App. 24a; App. 14a.
 - Within FSA, terminating nearly all staff who administer the Free Application for Federal Student Aid ("FAFSA"), which is essential for millions of students who seek aid for postsecondary education; terminating more than half of the staff in the FSA Ombudsman office; terminating all of the staff in six of the eight offices that oversee college and university eligibility to receive federal student aid; and terminating nearly all staff who oversee student loan data error correction. Gov't App. 74a-76a.
 - Within the Office of English Language Acquisition ("OELA"), terminating all employees except two. Gov't App. 73a.
 - Within IES, terminating nearly all of the staff, including closing entire offices. Gov't App 69a-70a; State Ex., ECF 71-64 ¶¶ 12-13.⁵

⁵ Citations to *New York v. McMahon*, case no. 1:25-cv-10601 (D. Mass), are noted as "State Ex."

- Within OCR, closing more than half of the regional offices and firing all of the investigators in those offices. Gov’t App. 79a-80a; ECF 26 at 22, 31; State Ex., ECF 71-48 ¶¶ 22, 25-27.
- Within the Office of General Counsel (“OGC”), terminating every single employee except attorneys who advise on post-secondary education, including terminating all attorneys all who advise Department employees and grantees on K-12 grants, civil rights, IDEA, and IES. App. 45a ¶¶ 12-13; ECF 26 at 12-15 & App. 1 at 2.

3. Ascertaining the impact of this rapid-fire destruction required no speculation. The record below shows that the Secretary dismissed the personnel needed to carry out Congressional mandates and that the remaining staff do not have the expertise or time to do the work. Additionally, Respondents’ expert in public administration drew upon principles of public management, examples of previous efforts to streamline federal government, and academic literature on downsizing to explain that cuts of this magnitude, undertaken without any assessment and implemented rapidly, “will almost certainly” impair the Department’s ability to perform core, statutorily required functions. App. 24a. For example, the speed and scope of the MTO will likely harm overall “organizational performance,” “increase the risk of mistakes or delays in fund disbursements,” create problems processing grants or funding applications, and “will necessarily affect the ability” of the Department to function effectively. App. 24a, 29a, 31a-33a. It is therefore unsurprising that the district court found that the Department “will not be able carry out its statutory functions—and

in some cases, is already unable to do so.” Gov’t App. 3a. *See also id.* 2a-3a, 36a-37a, 42a, 48a.

B. The Dismantling Creates Imminent And Irreparable Harm to Respondents

Respondents are local school districts and unions that represent educators and paraprofessionals who work in schools. They depend on timely funding and assistance from the Department to carry out their functions and missions. And they are facing serious impairments of their operations and functions as a consequence of the MTO.

1. *Financial Assistance.* Somerville and Easthampton Public Schools, like the vast majority of public school districts, depend on timely disbursements of federal funds, especially Title I and IDEA funding, administered by now-hobbled offices within the Department. The funds are used to pay teachers and classroom aides like reading specialists and math interventionists, and to purchase materials and equipment. Gov’t App. 32a; App. 52a ¶ 23, 61a ¶ 8.⁶ These funds are not distributed to school districts in a lump sum at one point in the year. Rather, funds are distributed throughout the year. The funding amounts are based on complex formulas, as required by statute, dependent on the Department’s collection and analysis of relevant data from states and school districts through an iterative process.⁷ For example, IDEA funding is determined in the spring and summer—i.e.,

⁶ Union Respondents’ members similarly depend on the reliable delivery of federal funding, which pays for their Title I and IDEA positions, equipment, and supplies. Gov’t App. 29a-30a; ECF 27-12 ¶ 16; ECF 27-13 ¶ 8; App. 93a-94a ¶ 37.

⁷ *See generally* Rebecca R. Skinner & Isobel Sorensen, Cong. Rsch. Serv., R47702, *ESEA Title I-A Formulas: A Primer* (2023), <https://perma.cc/685H-42NR>; Cong. Rsch. Serv., R44624, *The Individuals with Disabilities Education Act (IDEA) Funding: A Primer* (2019), <https://perma.cc/Y76Z-7SZX>.

now—based on data collected by the Department, and is then distributed in July and October, ECF 27-8 ¶ 17. Competitive grant applications (that is, non-formula grants) are reviewed and funded throughout the year.

Timely distribution of federal funding depends on seamless collaboration between local and state education agencies and Department staff. Many funds are distributed as reimbursements for expenses incurred on a regular or rolling basis. *See* App. 56a ¶¶ 41-42. But if staff are not present at the Department to ensure that the funding is disbursed in a timely and accurate manner and that requests for reimbursement are timely approved, the districts will inevitably suffer delays and shortfalls to the detriment of their ability to educate their students. School districts lack financial resources to weather delays in funding and cannot spend their own funds without reliable expectations as to when federal funding will be disbursed. Gov’t App. 68a; ECF 26 at 26; App. 56a ¶ 42, 64a ¶ 20, 83a ¶ 39. This uncertainty about funding hinders planning and can cause school districts to make cuts—including possibly premature cuts—to staffing and programs. Gov’t App 66a; App. 57a-58a ¶ 48, 66a-67a ¶ 29.

The delays in multiple Department functions are already occurring. For example, several states have already reported delays in education funding since the MTO. State Ex., ECF 71-13 ¶¶ 45-46 (California). State Ex., ECF 71-22 ¶ 12 (Illinois); State Ex., ECF 71-31 ¶ 7 (New York). And the government has admitted the “severe staffing restraints” are causing delays in Department operations. State Ex., ECF 71-29 ¶ 25 (quoting Department website); *see also Tirrell v. Edelblut*, No. 24-cv-251

(D.N.H. Mar. 13, 2025), ECF 118 (stating in motion to extend deadlines that “because of staffing reductions” the Department “expect[s] delay” in its operations).

Loss of funding—whether temporarily delayed or permanently lost—translates to reductions in teaching staff and paraprofessional support in classrooms, which in turn means less instruction and individualized attention for students and, ultimately, academic failure or learning loss. App. 49a-50a ¶¶ 12-15, 51a ¶ 20, 57a ¶¶ 45 (“Without timely distribution of federal funds, our district will be less effective and students will suffer.”); App. 65a-66a ¶¶ 23-25, 28 (“All of these cuts would have profoundly negative effects on students, staff, and the teaching culture (i.e., pedagogical methods) of the District.”). Reductions in staffing, moreover, cannot be easily reversed when funding becomes available. App. 57a ¶ 46, 66a ¶ 28.

Respondents’ declarations show these harms are irreparable—the loss cannot be undone by later restoration of funds. Moreover, the irreparable harm compounds: Education is based on the cumulative acquisition of skills and knowledge and constant forward progress. The School Districts and Union members have a limited window of time—a curriculum unit, an academic quarter, a school year—to achieve results because the students are always moving on. App. 51a ¶ 20, 76a ¶ 16, 80a ¶¶ 29-30. Not having specialized aides in the classroom to help with foundational reading and math lessons, or low enough teacher-student ratios to permit individualized attention, affects learning opportunities that will pass and cannot be regained. And when students fall behind, they cannot easily catch up. Gov’t App. 67a; App. 57a ¶ 46.

2. *Technical Assistance and Department Services.* The MTO has also decimated offices that provide statutorily mandated technical support, guidance, and enforcement services on which Respondents depend to carry out their missions.

The School Districts and Union members depend on IES to identify best practices in education and the latest research on instructional methods—work that can only be done with the power of federal leadership and a national scope. Gov’t App. 72a; ECF 26 at 14-15; App. 53a-54a ¶¶ 28-30, 79a-80a ¶¶ 28-30, 104a-105a ¶¶ 77-79; ECF 27-14 ¶¶ 10-11. School districts cannot recreate this work locally. Gov’t App. 72a; App. 79a ¶ 28.

The School Districts rely on FSA to help their students apply for the financial aid that makes attending college possible. Gov’t App. 32a; App. 54a ¶¶ 32-33. Without that assistance, their ability to help students gain access to financial aid will be diminished, as will their students’ chances of furthering their education. The Union Respondents and their members also rely on FSA to identify their best education loan repayment options. Gov’t App. 32a-33a; *see also* App. 97a-98a ¶¶ 49-50. The loss of this technical assistance is irreparable: It would be inefficient, if not impossible, for school districts or unions to recreate this guidance.

The dismantling of OCR also undermines Respondents’ ability to ensure that students’ education is free from discrimination and harassment, as required by federal law and their own educational missions. School Districts and their employees frequently seek OCR assistance in understanding how the Department currently

approaches and intends to federal law. Gov't App. 82a-83a; App. 67a ¶ 30; 100a-101a ¶ 62.

OCR also works with School Districts and Union Respondents' members to develop best practices for civil rights compliance. For example, with individualized guidance and technical assistance from OCR, Easthampton addressed a racial bias and discrimination issue in its high school and improved communication with families of students for whom English is a second language, which made a "staggering difference in terms of parent-teacher communication." App. 67a ¶¶ 31-32, 68a ¶¶ 38-39; Gov't App. 82a-83a. Somerville similarly relies on OCR enforcement guidance and other resources to safeguard civil rights in its schools. App. 55a ¶¶ 39-40. And Union Respondents' members file complaints with OCR on behalf of themselves or their students when faced with a discriminatory working or learning environment. App. 100a ¶ 60. But if the halls of OCR are empty, then individuals will have little chance of having their concerns resolved by the agency. Furthermore, school districts cannot recreate the guidance and technical assistance provided by OCR. See App. 82a ¶ 35. Nor can they replace OCR's valuable role as an external mediator in resolving disputes within the school community. App. 67a ¶ 32; ECF 27-8 ¶¶ 42-43.

Finally, the emptying out of the Department's Office of General Counsel ("OGC") deprives school districts of an essential source of technical assistance in navigating complex legal obligations. For instance, all OGC attorneys who advise on all matters related to K-12 education and civil rights are subject to the MTO; without them, the Department has no attorneys able to advise on Title I and IDEA funding.

See App. 43a-44a ¶ 9; State Ex., ECF 71-66 ¶¶ 11-12. All OGC attorneys who assist school districts by reviewing annual funding applications for IDEA, which is Somerville’s largest source of federal funds, are subject to the MTO. App. 39a ¶ 6(b); State Ex., 71-66 ¶ 12; App. 52a ¶ 22. That review would ordinarily occur now, in the spring, to allow funds to be disbursed by July 1 for the next school year. *See* ECF 27-8 ¶ 17; State Ex., 71-66 ¶ 12. Without OGC support, applications for funding may be incorrect or inefficiently reviewed, resulting in fewer resources for school districts and the students they serve.

Respondents’ declarations show that harm due to impeded access to information on which School Districts and educators rely, and the loss of key services provided by OGC, OCR, and FSA, are irreparable. *See* Gov’t App. 84a. These harms cannot be later remedied by the resumption of technical assistance. Not having access, for example, to up-to-date IES resources, English language instruction expertise and FSA guidance, means missed educational opportunities that will not be repeated. Gov’t App. 72a-73a, 78a.

C. Prior Proceedings

1. District Court Proceedings

Two groups of plaintiffs—21 States and the School District and Union Respondents—brought suits in the District of Massachusetts seeking preliminary injunctions against the Department’s implementation of the MTO. The suits were consolidated.

Respondents moved quickly for a preliminary injunction given the impending adverse consequences of the Department’s dismantling for their ability to carry out

their missions, and submitted numerous detailed declarations describing the harms they face. The government chose to submit no factual material in response and made no effort to contest the facts in Respondents' declarations. On May 22, 2025, the district court entered a preliminary injunction. Gov't App. 1a.

a. The court first concluded that Respondents had Article III standing. The court found that Respondents are experiencing and will imminently experience harm as a result of the Department's actions. Gov't App. 27a-34a. For example, it noted, "uncertainty with respect to the availability of federal funds ... risks disrupting services and programs, ... and the ability of these school districts to engage in long-term planning is in jeopardy." Gov't App. 29a.⁸ Similarly, the court found that the Union Respondents' members rely on federal funding and technical assistance to carry out their missions, and that without that assistance they "will experience difficulty effectively communicating with students with disabilities." Gov't App. 30a. And union members themselves benefit from federal student loans, the Public Service Loan Forgiveness program, and the ability to file complaints with OCR, all of which have been placed in jeopardy. Gov't App. 32a-34a. In sum, the court found, Respondents "have provided an extensive record ... that their harms stem from the Department's inability to effectuate vital statutory functions specifically tasked to it." Gov't App. 42a.

⁸ See also Gov't App. 30a-32a (school districts "are left in precarious position"; "cuts may have to be made to educators and staff who provide vital student services;" reductions and delays in funding risk "impairing the districts' "ability to support students with disabilities"; "funding delays, an absence of advice to states on how to spend the funds effectively, and barriers to obtaining the waivers which allow for greater flexibility"; "delays in the provision of [federal student aid] assistance"; lack of "OCR guidance to remain compliant with civil-rights obligations").

b. The court next concluded that its subject-matter jurisdiction had not been divested by the Civil Service Reform Act (“CSRA”), 5 U.S.C §§ 7101-35. Gov’t App. 42a-45a. The court stressed that this case is not a challenge to the elimination “of a single program office or ... a more limited RIF”; rather, this case is about the “effective[] incapacitat[ion of] the Department,” which directly affects Respondents. Gov’t App. 42a. Moreover, Respondents “are not current or former employees of the Department, nor are they labor unions” representing Department employees, and they therefore have no access to the remedies established by the CSRA. Gov’t App. 43a. Finally, the court noted that the harms suffered by Respondents are “distinct from the employee- and union-focused harms Congress intended to channel away from the federal courts”; unlike cases typically brought under the CSRA, which focus on one or a limited number of terminations taken pursuant to authority granted by Congress, the issue in this case is whether the Department “exceeded [its] authority in firing Department employees *en masse* to circumvent Congress’s power to dismantle the Department.” Gov’t App. 44a-45a.

c. On the merits, the court held that Respondents were likely to succeed on their claims that the government’s actions were unlawful, under a variety of theories, because “Defendants are effectively disabling the Department from carrying out its statutory duties by firing half of its staff, transferring key programs out of the Department, and eliminating entire offices and programs.” Gov’t App. 48a. The court concluded that the Executive Order’s “direction to ‘facilitate the closure of the Department’ ... goes directly against Congress’s intent in creating the Department,”

and that the Department's actions, intended to "do away with the department," "are plainly beyond the bounds of what Defendants can do." Gov't App. 49a, 51a-52a.

The court reached similar conclusions when analyzing the Department's actions under the Administrative Procedure Act. The court observed that not "a single case ... holds that the Secretary's authority is so broad that she can unilaterally dismantle a department by firing nearly all the staff, or that her discretion permits her to make a 'shell' department." Gov't App. 57a; *see also id.* 61a-63a. And those actions were likely arbitrary and capricious as well because none of the Secretary's actions contained a "reasoned explanation," or indeed "an explanation at all," of how and why the Secretary concluded that the mass reductions in force were justified. Gov't App. 59a. The court also emphasized that the Department had failed to consider "the potential disruption to operations ... a sudden elimination of nearly 50% of the Department's entire workforce would cause," or the "substantial harms and reliance interests for students, educational institutions," and others. Gov't App. 60a.

d. The court further found that Respondents had established they are likely to suffer irreparable harm "in the form of: (1) financial uncertainty and delay harming student education; (2) impeded access to vital knowledge on which students, districts, and educators rely; and (3) loss of essential services provided by the office of Federal Student Aid and the Office for Civil Rights." Gov't App. 64a. The court found that Respondents "are experiencing delays and uncertainty in their receipt of federal educational funding, amounting in the millions, which jeopardize their missions of ensuring an educated citizenry and providing quality education," and that

students “will feel these effects in the form of lower quality education, further demonstrating irreparable harm.” Gov’t App. 84a; *see id.* (vulnerable student populations, such as English language learners and students with special needs, “will be particularly harmed”).

On the other equitable factors governing an injunction, the court found that the public interest would be served by an injunction “because there is a substantial risk that, without it, there will be significant harm to the function[] of public and higher education.” Gov’t App. 86a. And the government articulated no sufficiently weighty countervailing interest because “[t]here is generally no public interest in the perpetuation of unlawful agency action.” Gov’t App. 86a.

2. Court of Appeals Proceedings

The court of appeals denied the government’s application for a stay pending appeal. Gov’t App. 145a.

a. The court first held that the government had failed to establish a likelihood of success of establishing that Respondents lacked standing. The court noted that the government did not dispute that Respondents “would suffer a cognizable injury under Article III if the Department were unable—in consequence of actions taken to close it down—to perform its statutorily assigned functions,” but only that Respondents’ claims on that score were speculative. Gov’t App. 154a. But that unsupported contention, the court concluded, could not overcome the district court’s “detailed and extensive factual findings,” Gov’t App. 156a, that the Department’s actions had “made it effectively impossible for the Department to carry

out its statutorily mandated functions,” *id.*, and thus had injured Respondents in their own operations and missions. The court further observed that this Court’s stay order in *OPM v. American Federation of Government Employees*, No. 24A904 (Apr. 8, 2025), was critically different because that case involved the termination of “only the newest and most inexperienced employees at an agency,” which “*did not* have the effect, as the District Court found the RIF here has had, of ‘eliminating entire offices and programs.’” Gov’t App. 158a.

b. The court also concluded that the Department was unlikely to prevail on its argument that the CSRA precludes jurisdiction here. Gov’t App. 159a-162a. Acknowledging that “the CSRA may not be bypassed by the mere recharacterization of a challenge to a termination of employment,” Gov’t App. 160a, the court nonetheless was “loath at this juncture of the proceedings to attribute to Congress the intention in enacting the CSRA” to “bar every challenge to an unlawful effort by the Executive to shut down a statutorily created agency summarily ... even by terminating the employment of every single one of the agency’s employees.” Gov’t App. 160a-161a. And the court rejected the government’s reliance on *Block v. Community Nutrition Institute*, 467 U.S. 340 (1984), declining to read that case so broadly as to hold that “a comprehensive statutory scheme authorizing review of an agency action by one category of plaintiffs always forecloses claims by other plaintiffs regardless of the nature of those claims,” Gov’t App. 161a.

c. On the merits, the court concluded that the MTO likely violated the APA and that the government was therefore not likely to succeed on the merits. Gov’t App.

162a-165a. The court again stressed that Defendants did not “even attempt to engage with the District Court’s record-based findings about the extent of the RIF or the intent behind both it and the transfer of functions to shut down the Department” nor with “the District Court’s record-based findings about the disabling impact of those actions on the Department’s ability to carry out statutorily assigned functions.” Gov’t App. 163a.

d. The court also rejected the government’s argument that the injunction was improper in scope. It found unpersuasive the government’s argument (raised for the first time on appeal) that federal courts have no authority to remedy the mass termination of employees that results in “the effective disabling of a cabinet department of its assigned functions.” Gov’t App. 166a-167a.

e. Finally, the court concluded that any irreparable harm to the government from the injunction was outweighed by the massive, unrebutted harms that Respondents would suffer if the injunction were stayed. Gov’t App. 168a-171a. The court observed, first, that the Department cannot be said to suffer irreparable harm “by being required to carry out Congress’s duly enacted statutes,” Gov’t App. 168a, and that the implementation of a preferred administration policy to close the Department could not count as irreparable harm because the government “may not lawfully carry out such a policy,” Gov’t App. 169a.

The court did conclude that the Department had “identified” an irreparable injury insofar as it might “turn out,” at the end of the litigation, that “the government was erroneously required to continue paying Department employees,” because the

government could not recoup those salary expenditures. Gov’t App. 169a. But, the court stressed, it also had to consider “the other side of the ledger”—irreparable harm to Respondents from a stay. Gov’t App. 170a. And there, the court found, the interests of Respondents were weighty. First, the “disabling of the Department’s statutorily assigned functions caused by the challenged actions would jeopardize [Respondents’] ability to proceed with their programs.” Gov’t App. 170a-171a. Second, unlike dismissed federal employees, who might be able to sue for reinstatement or backpay, Respondents confront distinct harms “of a kind that could not be recompensed” later. Gov’t App. 171a. Even if Respondents ultimately prevail in this litigation, “there is no guarantee” that they could be restored to the *status quo ante*, given that the Department will have ceased to function and its employees will have scattered in the interim, *id.* And the court added, while “there is generally no public interest in the perpetuation of unlawful agency action,” there is “a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations.” *Id.* (citations omitted).

ARGUMENT

“A stay is an intrusion into the ordinary processes of administration and judicial review, and accordingly is not a matter of right, even if irreparable injury might otherwise result to the appellant.” *Nken v. Holder*, 556 U.S. 418, 427 (2009) (internal quotation marks and citation omitted). This Court, therefore, will stay a decision under review in a court of appeals “only in extraordinary circumstances,” *Williams v. Zbaraz*, 442 U.S. 1309, 1311 (1979) (Stevens, J., in chambers), and “upon the weightiest considerations,” *Packwood v. Senate Select Comm. on Ethics*, 510 U.S.

1319, 1320 (1994) (Rehnquist, C.J., in chambers). The government bears “an especially heavy burden” where, as here, it seeks an emergency stay in this Court after the court of appeals denied such relief. *Edwards v. Hope Med. Grp. for Women*, 512 U.S. 1301, 1302 (1994) (Scalia, J., in chambers).

To obtain a stay pending appeal, the government must establish (1) “a reasonable probability” that this Court would eventually grant certiorari on the question presented in the stay application, (2) a fair prospect that the Court will reverse the decision below, and (3) a likelihood that irreparable harm will result from the denial of a stay. *Teva Pharms. USA, Inc. v. Sandoz, Inc.*, 572 U.S. 1301 (2014) (Roberts, C.J., in chambers). The Court also considers whether a stay would substantially injure the other parties interested in the proceedings and whether it would serve the public interest. *Ohio v. EPA*, 603 U.S. 279, 291 (2024).

The government falls far short of meeting this standard. Notably, in its stay papers, the government does not make *any* argument on the merits: It does not contest the lower courts’ conclusions that the efforts to dismantle the Department are likely to be found substantively unlawful and to violate the APA’s bedrock requirements of reasoned analysis and explanation. That litigation decision has significant consequences for the government’s stay application, because the Court would not likely grant review on the issues it does raise.

The government raises three arguments in its stay application: (1) the lower courts erred in finding that Respondents have standing; (2) the CSRA ousts district court jurisdiction over this case; and (3) the injunction is overbroad. The first

argument merely challenges “detailed and extensive factual findings” made by the district court and upheld by the court of appeals. Gov’t App. 156a. The government does not like the result that the lower courts reached on this particular factual record, but that is not a sufficient justification for certiorari. This Court is not “a court for correction of errors in fact finding,” and it ordinarily does not “undertake to review concurrent findings of fact by two courts below in the absence of a very obvious and exceptional showing of error.” *Exxon Co., U.S.A. v. Sofec, Inc.*, 517 U.S. 830, 840-841 (1996). And the government can only blame itself, for it did not even attempt to rebut any of Respondents’ factual submissions in support of the injunction.

On the second issue—the preclusive scope of the CSRA—the government also fails to identify an issue worthy of this Court’s consideration. The government argues that the CSRA precludes district court jurisdiction over all challenges to mass firings of civil-service employees, even when such a challenge is brought by entities that are *not* federal employees, who have no access to the CSRA’s remedies and, therefore, if precluded, would not be able to present their claims—including constitutional claims—to *any* court. Given those potential consequences, the courts below reasonably concluded that this Court’s CSRA decisions do not reach so broadly. No court of appeals has held to the contrary, or has even addressed such a question, which is unsurprising since no federal agency has ever before attempted self-destruction by dismissing its personnel. Accordingly, there is presently no conflict among the circuits on the question the government would have this Court review.

Third, the government objects to the district court's order directing the reinstatement of the employees who were subject to the MTO and raises various other quibbles with the scope of the order. That issue also would not warrant this Court's review. Factually, the "reinstatement" ordered here was a direction that workers on administrative leave be restored to active duty. On the government's legal contention, the government identifies no circuit conflict concerning the equitable principles governing reinstatement, and it badly misapprehends those principles. Finally, to the extent the Department has other objections to the scope of the remedy, it can return to the district court to explain why any particular aspect of its order is impracticable or unreasonable. The fact that the Department has cancelled shuttle-bus service between Department buildings for its employees and might reexamine that decision, Gov't Br. 36, is hardly a compelling basis for this Court's intervention.

Moreover, any harm to the Department from denying a stay while this litigation proceeds is at most modest and temporary. If the Department eventually prevails in this litigation, it will be able to put its plans into effect then. By contrast, the harm to Respondents from a stay would be severe and irreparable. If the Department's dismantling plans proceed, Respondents could never recover the lost valuable financial, informational, and technical assistance they have received for decades. Nor could their students ever recover the resulting loss of educational opportunities. And unlike federal employees, Respondents have no access to a monetary remedy even if the loss of those services could be reliably quantified. The balancing of the equities and the public interest point decisively in favor of preserving

the status quo, to allow the courts to adjudicate this controversy in an orderly fashion and ensure any remedy ordered at the end of the case would be real, and not futile.

I. THE GOVERNMENT IS NOT LIKELY TO PREVAIL ON THE MERITS

Both lower courts correctly concluded that no threshold obstacles bar federal court review of this case. Respondents have standing, and the CSRA does not oust the courts' jurisdiction. Nor has the government identified any flaw in the scope of the injunction.

A. Respondents Have Article III Standing

There is no merit to the government's argument that Respondents' claims are too abstract or speculative to form a basis for Article III standing. As both lower courts recognized, Respondents face imminent harm from the dismantling of the Department. Respondents' detailed declarations demonstrate that they are facing significant and impending financial harm, especially from the Department's delays in processing applications for grants and remitting funds under Title I, the IDEA, special education programs, and grants for English learners. *See supra* pp. 9-14. And Respondents are facing imminent non-financial, but no less serious, harm as well: For decades they have relied on a steady stream of technical assistance (much of which the Department is statutorily required to provide), regulatory guidance, advice, and other information from the Department to assist school districts and educators in their responsibilities. The MTO has left insufficient staff at the Department to provide this vital assistance. *See supra* pp. 6-8.

Financial harm, of course, is the quintessential injury that supports Article III standing—including in a separation-of-powers challenge. *See, e.g., Clinton v. City of*

N.Y., 524 U.S. 417, 432-433 (1998). When a party faces economic injury from a violation of the Constitution or a statute, there is nothing “abstract” in its effort to vindicate the proper distribution of powers in government—and, as the Court has often stressed, those principles exist to protect individual liberty. *See Bond v. United States*, 564 U.S. 211, 222-223 (2011). And it does not matter that the party’s immediate harm may stem from delay, rather than certain outright denial, of funding: as this case demonstrates, delay in receiving funding can wreak havoc on entities’ operations, placing them in grave uncertainty about whether they can proceed with plans and potentially forcing them to scrap those plans altogether.⁹ *See supra* pp. 9-11.

The other harms that Respondents imminently face—a loss of invaluable technical expertise and information flowing from the Department as it shuts down its operations—are no less serious, and no less redressable by the courts. *See, e.g., FEC v. Akins*, 524 U.S. 11, 21 (1998) (affirming that the deprivation of information can be sufficient to establish Article III standing). This is not a case, as the government suggests, that “every member of the public who appreciates or uses some government data source, website, or other publication” could bring. Gov’t Br. 24. Rather, as the undisputed record here establishes, Respondents’ ability to carry out

⁹ Nor is there merit to the government’s argument (Gov’t Br. 24) that Respondent School Districts are seeking to raise a *parens patriae* interest on behalf their students. Respondents themselves face concrete and imminent harm from the loss of financial and other resources. To be sure, the students that Respondents educate will also be harmed if those resources disappear. But that does not make Respondents’ interest a *parens patriae* one any more than the City of New York’s interest was when it sued to invalidate the Line-Item Veto Act in *Clinton v. City of New York*. In both circumstances, the jurisdiction confronted immediate and serious harm, including financial harm. The fact that the jurisdiction’s constituents would *also* suffer harm is hardly a reason to reject standing.

their own functions of educating students has long depended on a wide range of technical, regulatory, scientific, and legal assistance from the Department. *See supra* pp. 6-8, 12-14. Indeed, providing such support to districts and staff has been a core mission of the Department from the beginning. *See* 20 U.S.C. § 3402(2), (4) (describing Department’s purpose as “supplement[ing] and complement[ing] the efforts of States [and] local school systems ... to improve the quality of education” including through “federally supported research, evaluation, and sharing of information”). And the cutoff of that support seriously impairs Respondents’ own missions. *Cf. FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 395 (2024) (reaffirming that a plaintiff may have standing where the defendant’s actions “directly affected and interfered with” the plaintiff’s “core business activities”); *American Anti-Vivisection Soc’y v. USDA*, 946 F.3d 615, 619 (D.C. Cir. 2020) (explaining how government agency’s failure to provide information “perceptibly impaired [the plaintiff’s] organizational interests by depriving it of key information that it relied on to fulfill its mission”) (internal quotation marks omitted).¹⁰

The government argues that a plaintiff may assert “an informational-injury theory *only* where ‘public-disclosure or sunshine laws ... entitle[d] all members of the public to certain information.’” Gov’t Br. 23 (quoting *TransUnion LLC v. Ramirez*,

¹⁰ Respondents’ injuries are not like those the Court rejected in *Alliance for Hippocratic Medicine*. Respondents are not advocacy organizations asserting a “diversion of resources” theory of standing. Rather, they rely directly on the technical assistance provided by the Department to carry out their “core business activities,” 602 U.S. at 395, of educating students, supporting students in accessing higher education through federal financial aid, and providing an educational environment free from racial bias and discrimination. Respondents are thus experiencing “far more than simply a setback to [their] abstract social interests.” *Id.* at 394.

594 U.S. 413, 441 (2021)) (emphasis added). In so arguing, the government conflates standing with the merits; this Court has never held that Congress must create a statutory right to information for a plaintiff to be harmed by its sudden deprivation. Rather, Congress’s conferral of a statutory right is “instructive” as to whether a harm is sufficiently concrete. *See TransUnion*, 594 U.S. at 425 (quoting *Spokeo, Inc. v. Robins*, 578 U.S. 330, 341 (2016)).¹¹

The key question is not whether Respondents have a statutory right to the information, but whether their injury is concrete and particularized. *See All. for Hippocratic Med.*, 602 U.S. at 381; *Akins*, 524 U.S. at 24. And here, the undisputed record below establishes that the firing of experts and disruption in the Department’s provision of technical assistance are causing Respondents concrete and particularized harms. *See* Gov’t App. 72a (harm to school district’s ability to serve students through loss of IES assistance); *id.* 72a-73a (advice and assistance provided by attorneys who support IDEA funding grants) *id.* 79a (technical assistance vital for unions and their members to manage federal student loans); *id.* 82a-83a (school districts rely on OCR

¹¹ Moreover, numerous sources of technical assistance *are* mandated by law and specifically intended to serve Respondents. *See, e.g.*, 20 U.S.C. § 9501(10) (IES directed to offer “technical assistance” to education stakeholders including “teachers, administrators, librarians, [and] other practitioners”); *id.* § 9511(b)(2) (IES directed to “compile statistics, develop products, and conduct research, evaluations, and wide dissemination activities in areas of demonstrated national need ... that are supported by Federal funds”); *id.* § 1092 (FSA obligated to “make available to eligible institutions, eligible lenders, and secondary schools descriptions of Federal student assistance programs including the rights and responsibilities of student and institutional participants.”); 34 C.F.R. §§ 100.6(a), 100.12(b) (requiring OCR to provide assistance, guidance, and detailed instructions to implement civil rights protections).

technical assistance and guidance to respond legally and effectively to discrimination).¹²

As to immediacy, there can be no doubt that respondents' injuries are "certainly impending," *Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc.*, 528 U.S. 167, 170 (2000), or at a minimum, that "there is a substantial risk that the harm will occur," *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158 (2014) (internal quotation marks omitted). The government suggests that, because the full extent of the harms that Respondents will suffer from the shutdown of the Department may not be absolutely clear at this moment, standing is lacking. But this Court has never demanded that degree of precision. To the contrary, "[o]ne does not have to await the consummation of threatened injury to obtain preventive relief. If the injury is certainly impending, that is enough." *Babbitt v. United Farm Workers Nat'l Union*, 442 U.S. 289, 298 (1979). Here, uncertainty about financial assistance is causing difficulty *now* as Respondents are forced to reevaluate their programs for the summer and the coming academic year. And because of the lack of technical assistance and guidance from the Department, Respondents face the immediate prospect of curtailing services to students or shutting down programs altogether if that channel of communication is not immediately restored. *See supra* pp. 9-14.

¹² The Government makes additional arguments on redressability, Gov't Br. 21-23, which are really about the alleged overbreadth of the remedy. *See infra* 36-39 (addressing overbreadth argument). There is no redressability issue here. Respondents have shown a "substantial likelihood that the judicial relief requested will prevent or redress" their injuries, *Duke Power Co. v. Carolina Env't Study Grp., Inc.*, 438 U.S. 59, 79 (1978). Returning to the status quo will mean that the agency can resume the assistance on which Respondents rely, redressing the injuries caused by the current and imminent deprivation of those services. Respondents do not need to show anything more. *Id.*

This case is therefore not like this Court’s stay decision in *OPM v. American Federation of Government Employees*, No. 24A904 (Apr. 8, 2025), where the Court, citing *Clapper v. Amnesty International USA*, 568 U.S. 398 (2013), evidently concluded that the plaintiffs had insufficiently alleged that their injuries caused by the termination of probationary employees across the government were certainly impending. But the prospect of injury is far more certain here. Plaintiffs in *AFGE* claimed that government assistance would be “less efficient”; they did not challenge the shutdown of dozens of agency offices and programs and concomitant removal of half the agency’s staff. *See* Gov’t Reply in Supp. of Appl. to Stay at 4, *OPM v. Am. Fed’n of Gov’t Emps.*, No. 24A904 (U.S. Apr. 4, 2025). Here, by contrast, the allegations of injury, as both lower courts found, are concrete and immediate. *See supra* pp. 15, 17-18.

B. The Civil Service Reform Act Does Not Oust Jurisdiction

There is also no merit to the government’s contention that the federal courts’ jurisdiction over Respondents’ claims is ousted by the CSRA. The government relies on cases holding that claims brought by *federal employees* challenging their terminations and similar personnel actions must be channeled into the special-review procedures—first to the Merit Systems Protection Board and then to the Federal Circuit—established by the CSRA. But Respondents, who challenge the effective dismantling of a federal agency, not individual personnel actions, are not federal employees and have no access to the CSRA procedures. Thus, in the government’s view, Respondents’ claims—including their constitutional claims—may be heard

nowhere. Nothing in this Court’s precedents suggests such a startling result. And no other court of appeals has endorsed, or even entertained, such a proposition.

The government relies on cases such as *United States v. Fausto*, 484 U.S. 439 (1988), and *Elgin v. Department of Treasury*, 567 U.S. 1 (2012). But those cases hold only that, when Congress has established a special administrative and judicial review procedure for certain persons (federal employees) to challenge certain actions (adverse personnel actions) then all such persons must pursue that procedure to challenge all such actions, even if their claims might fail because Congress has not provided remedies as expansive as the plaintiffs might wish. *See Elgin*, 567 U.S. at 12 (discharged employee must pursue constitutional claim through CSRA, which “generally turns on the type of civil service employee and adverse employment action at issue”); *see also Grosdidier v. Chairman, Broad. Bd. of Governors*, 560 F.3d 495, 495-496 (D.C. Cir. 2009) (Kavanaugh, J.) (stressing that CSRA “is the proper statutory vehicle for *covered federal employees* to challenge *personnel actions* by their employers”) (emphasis added)); *Fornaro v. James*, 416 F.3d 63, 66 (D.C. Cir. 2005) (Roberts, J.) (stressing that CSRA covers “the benefits to which *federal employees* ... are entitled[] and provides a reticulated remedial regime for *beneficiaries* to secure review—including judicial review—of *benefits determinations*”) (emphases added). But Respondents are not federal employees, and they are not challenging particular employment or benefits determinations. They lie outside the CSRA entirely and their claims are not precluded by it.

This Court’s decision in *Fausto* emphasizes the limits of the CSRA preclusion principle. In concluding that terminated federal employees had to invoke the CSRA to the exclusion of other remedies, regardless of the precise nature of their claim, the Court stressed that the exclusion of certain nonpreference-eligible employees from CSRA remedies “can hardly be explained on the theory that Congress simply did not have them in mind” when fashioning the CSRA, since Congress specifically included *some* nonpreference-eligible employees within the CSRA’s domain but otherwise limited its reach to other types of employees. *Fausto*, 484 U.S. at 448. Here, by contrast, there is no evidence that Congress considered how parties other than federal employees should pursue remedies to injuries caused by the effective closure of federal offices—that is simply something to which the CSRA does not speak. *See Axon Enter., Inc. v. FTC*, 598 U.S. 178, 185 (2023) (“a statutory review scheme [that precludes district court jurisdiction] does not necessarily extend to every claim concerning agency action”).

Fausto also explains why the government’s reliance on the Court’s earlier decision in *Block v. Community Nutrition Institute* (“*CNI*”), 467 U.S. 340 (1984), is misplaced. In *CNI*, the Court examined a statute with the “essential purpose ... of rais[ing] [milk] producer prices” that provided extensive procedures for dairy farmers and dairy handlers (who processed dairy products purchased from the farmers)—but not ultimate consumers—to participate in the administrative setting of dairy prices and to seek judicial review of administrative orders setting those prices. *Id.* at 341-342 (internal quotation marks omitted). The omission of consumers from such a

“complex scheme,” the Court concluded, was intentional on the part of Congress; with no “provision for participation by consumers in any proceeding[,] ... Congress intended to foreclose consumer participation in the regulatory process,” *id.* at 346-347, even though consumers have an obvious interest in dairy prices and would normally be thought to favor *lower* prices—the exact opposite of Congress’s fundamental objective in setting a dairy price *support* system. And because consumers were intentionally excluded from the administrative scheme, the Court reasoned, Congress could not have wanted them to be able to seek judicial review at the end of that scheme, where “consumer suits might themselves frustrate achievement of the statutory purposes.” *Id.* at 352.

The scheme in *CNI* bears no resemblance to the CSRA. There is no reason to believe that Congress carefully considered the participation of anyone other than federal employees when it established the administrative-plus-judicial-review mechanisms there. *Cf. Fausto*, 484 U.S. at 448. To the contrary, the Congress that enacted the CSRA referenced the APA multiple times, *see* 5 U.S.C. §§ 1103, 1105, and cannot be said to have silently foreclosed APA review. *See Epic Sys. Corp. v. Lewis*, 584 U.S. 497, 510 (2018) (a party alleging that one statute displaces another “bears the heavy burden of showing a clearly expressed congressional intention that such a result should follow”) (internal quotation marks omitted); *DHS v. Regents of Univ. of Cal.*, 591 U.S. 1, 16-17 (2020) (exceptions to “basic presumption” of judicial review under the APA should be read narrowly).

Congress thus left any remedies available to other persons where it found them: unaffected by the CSRA. As the Fifth Circuit has explained, “the CSRA’s purpose is to streamline and integrate the review system for *federal employees’* challenges to *personnel actions*. It does nothing to promote that purpose to interpret the CSRA as stripping § 1331 jurisdiction over disputes *beyond* CSRA-covered personnel actions.” *Feds for Med. Freedom v. Biden*, 63 F.4th 366, 374 (5th Cir. 2023) (en banc) (first emphasis added), *vacated as moot*, 144 S. Ct. 480 (2023); *see id.* at 371 (CSRA review mechanisms exclusive only when “a *covered* employee challenges a *covered* personnel action”) (emphasis added).¹³

Moreover, the consequences of the government’s argument, if accepted, would be contrary to this Court’s settled recognition that Congress is not lightly presumed to preclude judicial review of government actions—especially when substantial constitutional claims are presented.¹⁴ Under the government’s view, Respondents have nowhere to pursue their legal claims: not in the district courts under 28 U.S.C. § 1331, and not before the MSPB and then the Federal Circuit under the CSRA. But

¹³ This Court’s decision in *Match-E-Be-Nash-She-Wish Band of Pottawatomí Indians v. Patchak*, 567 U.S. 209 (2012), reinforces that conclusion. In *Patchak*, the Court concluded that the Quiet Title Act, which comprehensively governs the presentation of claims of ownership of land adverse to the United States, did not bar a claim under the APA brought by a landowner who sought judicial review of the government’s decision to take lands into trust for the benefit of an Indian tribe. As the Court explained, quoting an Office of Legal Counsel opinion by then-Assistant Attorney General Scalia, “[w]hen a statute ‘is not addressed to the type of grievance which the plaintiff seeks to assert,’ then the statute cannot prevent an APA suit.” *Id.* at 216. That is the case here as well.

¹⁴ The government’s suggestion that jurisdiction here would open the floodgates to federal litigation to challenge routine personnel actions is misplaced given the requirements of Article III standing and the distinctiveness of Respondents’ claims. Garden-variety personnel actions and normal government management of agencies do not directly and irreparably harm parties like Respondents. It is the government’s unprecedented actions to effectively dismantle a federal agency that harm Respondents, not ordinary agency management decisions.

“only upon a showing of ‘clear and convincing evidence’ of a contrary legislative intent should the courts restrict access to judicial review.” *Abbott Labs. v. Gardner*, 387 U.S. 136, 141 (1967); see *Bowen v. Mich. Acad. of Family Physicians*, 476 U.S. 667, 671 (1986). And that is especially true when, as in this case, the government argues that constitutional claims may not be presented anywhere. Even in a case involving national security, where judicial deference to the Executive is at its apogee, this Court has rejected a statutory reading that would leave a plaintiff with no court in which to present his constitutional claim. *Webster v. Doe*, 486 U.S. 592, 603 (1988); see also *Free Enterprise Fund v. Public Co. Acct. Oversight Bd.*, 561 U.S. 477, 490 (2010) (rejecting government’s proffered statutory interpretation because “[w]e do not see how petitioners could meaningfully pursue their constitutional claims under the government’s theory”).

In sum, the government has failed to marshal any evidence that Congress barred the federal courts to the claims, including the constitutional claims, that Respondents present here. The lower courts thus correctly concluded that they had jurisdiction.¹⁵

¹⁵ The *Thunder Basin* factors, which courts use to analyze whether Congress silently intended a claim to be channeled to an administrative body, likewise weigh strongly in favor of jurisdiction. *Thunder Basin Coal Co. v. Reich*, 510 U.S. 200, 201 (1994). Because, under the government’s view, Respondents have no access to any court, such “[c]hanneling” would actually foreclose “effective judicial review,” which Congress “rarely” permits in claims arising from agency action. *Axon*, 598 U.S. at 186. Likewise, these claims—arising from the massive and unreasoned gutting of broad swaths of the Department—are entirely collateral to the kinds of disputes routinely brought by federal employees to the MSPB and are far outside that agency’s expertise. See *id.* at 186, 190-191.

C. The Scope Of The Remedy Is Proper

The government is not likely to prevail on its argument, Gov't Br. 30-34, that the district court had no authority to order reinstatement of dismissed employees.

First, there is no substantial “reinstatement” at issue here. The approximately 1,400 employees subject to the March 11 MTO were placed on paid administrative leave by March 21 and were told they would be dismissed on June 9, 2025. The preliminary injunction was issued on May 22, before the final separations took effect. Thus, unlike the cases the government invokes, this is not a situation where a court ordered the reversal of employees’ final termination. Rather, the court has directed the Department to return employees on administrative leave to active-duty status so that they can resume the Department’s work. And even in the government’s view, the district court had ample authority to prevent the *impending*, but not completed, final separation of staff who were still employed at the Department.

And in any event, the government’s premise is wrong: Federal courts have equitable authority to remedy the unlawful dismissal of employees and have long exercised that authority. The government relies principally on *Sampson v. Murray*, 415 U.S. 61 (1974), but it vastly overreads that case. *Sampson* did not hold that federal courts have no equitable authority to order reinstatement of public employees. In fact, the Court rejected that proposition at least four times. *See id.* at 63 (“The District Court is not totally without authority to grant interim injunctive relief to a discharged Government employee”); *id.* at 71 (“[F]ederal courts do have authority to review the claim of a discharged government employee that the agency effectuating the discharge has not followed [the law].”); *see also id.* at 80, 84. *Sampson* held that

a district court had erred in ordering the reinstatement of a probationary employee while her administrative appeal was pending, stressing that in such a case, an employee would have to show “irreparable injury” to justify interim relief, *id.* at 85—the traditional requirement for equitable relief. That is exactly what Respondents have shown here, as both lower courts found.

The government points to cases such as *White v. Berry*, 171 U.S. 366 (1898), decided before the 1938 merger of law and equity in the federal courts, to argue that equitable courts cannot order reinstatement. But “[m]uch water has flowed over the dam since 1898.” *Sampson*, 415 U.S. at 71. Those cases have not reflected the power of the federal courts to remedy a violation of law for at least 75 years. Indeed, *Sampson* pointed to *Service v. Dulles*, 354 U.S. 363 (1957), where the Court ordered relief to an unlawfully discharged government employee. Similarly, in *Vitarelli v. Seaton*, 359 U.S. 535, 546 (1959), the Court, after concluding that a government employee had been dismissed illegally, held that the employee “is entitled to the reinstatement which he seeks”.¹⁶

Moreover, the government’s pre-merger cases did not hold, even then, that federal courts were powerless to remedy the illegal dismissal of an employee. Those

¹⁶ And in several other cases involving claims of unconstitutional dismissal, the Court held for public employees without suggesting that a federal court would lack equitable authority to order a meaningful remedy, including reinstatement if necessary. *See, e.g., Rutan v. Republican Party of Ill.*, 497 U.S. 62 (1990); *Branti v. Finkel*, 445 U.S. 507 (1980); *Elrod v. Burns*, 427 U.S. 347 (1976); *Perry v. Sindermann*, 408 U.S. 593 (1972); *Keyishian v. Bd. of Regents of Univ. of State of N.Y.*, 385 U.S. 589 (1967). The courts of appeals have reached the same conclusion. *See Rosario-Torres v. Hernandez-Colon*, 889 F.2d 314, 320 (1st Cir. 1989) (in political-patronage case, reaffirming that “[o]ne of the remedies available for a political discharge in violation of first amendment rights is reappointment”); *Severino v. Biden*, 71 F.4th 1038, 1042-1043 (D.C. Cir. 2023); *Pelicone v. Hodges*, 320 F.2d 754, 757 (D.C. Cir. 1963).

cases reflected equity courts' traditional reluctance to intrude on the domain of common law courts' remedies, and they recognized that common law writs (such as certiorari or mandamus) were available to remedy the unlawful dismissal of a government employee. See *In re Sawyer*, 124 U.S. 200, 211 (1888) ("The jurisdiction to determine the title to a public office belongs exclusively to the courts of law, and is exercised either by *certiorari*, error, or appeal, or by *mandamus*, prohibition, *quo warranto*, or information in the nature of *quo warranto*[.]"); *White*, 171 U.S. at 377 (same). The abolition of the division between law and equity in the federal court superseded those decisions, and plaintiffs are no longer required to invoke obscure common law writs to invoke the full authority of the federal courts to remedy illegal dismissals, including by reinstatement. See *Ross v. Bernhard*, 396 U.S. 531, 539 (1970) ("Actions are no longer brought as actions at law or suits in equity. Under the Rules there is only one action—a 'civil action'—in which all claims may be joined and all remedies are available.").¹⁷

Finally, all of the government's citations are inapposite because they involve a particular employee or appointee's effort to gain reinstatement to his prior position. But here, Respondents are not seeking to vindicate the right of any particular employees to regain their jobs; their injury stems from the fact that *no one* is currently actively staffing approximately 2,000 positions at the Department, with the

¹⁷ Nor does the government gain anything by invoking *Grupo Mexicano de Desarrollo, S.A. v. Alliance Bond Fund, Inc.* 527 U.S. 308 (1999). In that case, the Court concluded that federal courts lacked the power to grant the requested interim relief because there was *no* historical practice in law or equity that would permit an unsecured creditor to assert rights against the property of the debtor before final judgment. *Id.* at 318-320. But here, as explained above, litigants historically did have access to the remedy of reinstatement on the "law" side, and after merger, in federal court.

consequence that *no one* is providing Respondents with the financial, technical, and informational assistance on which they depend. The government fundamentally errs, therefore, in arguing that Respondents are seeking reinstatement of any particular employees at all.¹⁸ To be sure, the quickest and most efficient way to restore the Department's functions in the immediate future is for the Department to recall its employees to active status in their current positions, but nothing in the injunction prevents the Department from making routine personnel decisions, including moving employees in and out of positions in the normal course of business. The government's complaints about the courts' micromanagement of Department operations are therefore far off base. Respondents do not want the district court to manage the Department's business; they simply want the courts to ensure that the Department is *in* business. Nothing in the government's citations suggests that courts lack that authority.

The government's other objections to the scope of the injunction also fall short. The government argues that the injunction is overbroad because the reinstatement order is not tailored to "any particular function or functions upon which respondents allege they rely," Gov't Br. 33. But the government never raised any such argument in either lower court and cannot do so for the first time in this Court. *See United States v. Jones*, 565 U.S. 400, 413 (2012). The district court therefore cannot be

¹⁸ Cases such as *White*, *Sawyer*, *Walton v. Okla. House of Representatives*, 265 U.S. 487 (1924), and *Harkrader v. Wadley*, 172 U.S. 148 (1898) are also distinguishable because they concern lower federal courts' authority to enjoin state proceedings to remove state officers, or concern appointees. *See Baker v. Carr*, 369 U.S. 186, 231 (1962) (explaining that *Sawyer* and *Walton* "held that federal equity power could not be exercised to enjoin a state proceeding to remove a public officer"). This case does not raise the same federalism concerns or involve political appointees.

faulted when the government gave it no guidance on this score. And the scope of a remedy is properly “left in the first instance to the district courts,” subject only to abuse-of-discretion review. *See Albermarle Paper Co. v. Moody*, 422 U.S. 405, 416 (1975). If the government believes that the injunction is unworkable in parts, it can raise those concerns with the district court, which is far better situated to examine such granular concerns. But this Court’s intervention to address such particularized complaints is not warranted.

II. THE EQUITABLE FACTORS ALL COUNSEL AGAINST A STAY

Even if the government could establish a likelihood of success on the merits, the remaining equitable factors governing stays all point sharply against a stay. Whatever slight irreparable harm the government might encounter from being required to carry out Congress’s design in establishing, authorizing, and funding the Department of Education is far outweighed the serious and irreparable harms that Respondents will suffer if the Department is allowed to shut down its operations. This is not a close case on the balancing of equities, and the public interest strongly favors allowing the injunction to remain in force to allow the courts to proceed to an orderly adjudication of this case.

The fundamental purpose of a preliminary injunction is to “preserve the relative positions of the parties pending further proceedings.” *A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1368 (2025); *see Lackey v. Stinnie*, 145 S. Ct. 659, 667 (2025); *see also Dist. 50, United Mine Workers of Am. v. Int’l Union, United Mine Workers of Am.*, 412 F.2d 165, 168 (D.C. Cir. 1969) (“The usual role of a preliminary injunction is to preserve the status quo pending the outcome of litigation.”). “The status quo is the

last *uncontested* status which preceded the present controversy.” *Huisha-Huisha v. Mayorkas*, 27 F.4th 718, 733 (D.C. Cir. 2022). Here, the last uncontested status between the parties was the normal operation of the Department before the Secretary issued the Mass Termination Order, when Respondents were receiving the customary flow of financial, technical, and informational assistance from the Department.

A stay would not preserve that status quo; it would destroy it. If the Department is allowed to proceed with its plans, Respondents will quickly be further deprived of the vital resources on which they have come to depend as the Department is disassembled. And if, at the end of the litigation, Respondents prevail on the merits, that victory will be a hollow one—there will be no way to reassemble all of the institutional and human resources that make the Department’s assistance so valuable to school districts and their employees. By contrast, if the injunction remains in place, the Department will suffer at most a delay in implementing its plans while the courts adjudicate this case. The courts can be expected to do so in an expeditious yet orderly way, with due consideration for the parties’ equities. And if, at the end of the day, the Department prevails, it will be able to execute on its plans. But if it does not prevail, then allowing it in the interim to carry out its “final mission” will have caused harms to Respondents that never be remedied. By itself, that prospect counsels against the stay.

A. The Government Faces No Significant Irreparable Harm

The government identifies no serious irreparable harm caused by requiring it to comply with the injunction, which merely restores the status quo. The Department

is not harmed by paying the salaries of employees to perform the Department’s work. And even if the Government ultimately prevails, having paid salaries that it cannot recoup, those are minimal expenses in comparison to overall Department of Education expenditures (\$268 billion in FY2024).

The Department’s complaints about operational burdens (Gov’t Br. 36-37) are even less persuasive. Agencies change their operations all the time, and the government’s vague references to “modif[y]ing workflows” and “reorganiz[ing] teams” lack the detail and force necessary to establish irreparable harm.¹⁹ Furthermore, to the extent the Department complains that the injunction may lead to micromanagement from the district court, it is free to return to that court for relief.

This case is not like *Department of Education v. California*, 145 S. Ct. 966 (2025), which involved an APA-only challenge to *grant* funds and raised distinct issues relating to the district court’s jurisdiction over claims relating to “past-due grant obligations.” *Id.* at 968. This case, in contrast, raises constitutional questions, does not involve the termination of grants, much less order the government to pay out “past-due grant obligations.” Nor, for similar reasons, is this case like *OPM v. American Federation of Government Employees*, No. 24A904 (Apr. 8, 2025), where the Court stayed an order requiring reinstatement of fired *probationary* employees in several agencies. Although the Court’s order does not reveal the precise basis of the

¹⁹ There is also a deep irony in the Department’s complaining about “operat[ing] in the shadow of serious uncertainty,” Gov’t Br. 37, as the basis of irreparable harm, when the Department has criticized Respondents for relying on uncertainty in planning their operations as a basis for standing. *Compare also id.* (complaining that injunction “may require it to give employees their old assignments) *with id.* at 17 (criticizing Respondents for relying on “uncertainty, fear, mays, and ifs”).

stay, that matter was not fundamentally about the lawfulness of, or the harms attendant to, the government's dismantling of a Congressionally established agency.

B. The Balance of Equities and Public Interest Do Not Support A Stay

Even if the government could establish some degree of irreparable harm, such harm would pale in comparison to that which Respondents would suffer if a stay were granted. Despite the government's conclusory assertion that Respondents' harms are "speculative," Gov't Br. 38, Respondents produced an "extensive," un rebutted record of irreparable harms that they now face if the MTO is not enjoined. Gov't App. 42a; *id.* at 29a-34a (making extensive factual findings as to at least 20 specific harms to Respondents involving funding interruption, funding uncertainty, and loss of technical assistance, financial aid services, and civil rights enforcement).

The government mischaracterizes the nature of Respondents' harms as "decidedly monetary" and thus not irreparable. Gov't Br. 38. But even as to monetary harms, Respondents have no remedy at law to compensate them for that harm, notwithstanding the government's offhand suggestion that Respondents sue in the Court of Federal Claims. Gov't Br. 38. That argument also overlooks the serious injuries that Respondents face from losing the valuable technical and informational assistance they have relied on for decades. *See supra* pp. 12-14. More fundamentally, the loss of and uncertainty about both financial and non-financial assistance caused by the Department's actions harm Respondents' core educational mission. *See League of Women Voters of the U.S. v. Newby*, 838 F.3d 1, 9 (D.C. Cir. 2016) (defendant causes irreparable harm when it "make[s] it more difficult" for an organization to

“accomplish [its] primary mission”). As explained above, school districts are being forced to consider reduced staffing and programs cuts and plan curriculum investments with uncertainty about both funds and technical assistance. The harms to students will be substantial. *See supra* pp. 9-14. Academic failure and learning loss are irreparable, as even “a few months can make a world of difference in harm to a child’s educational development.” *Nieves-Marquez v. Puerto Rico*, 353 F.3d 108, 121-22 (1st Cir. 2003) (internal quotation marks omitted).

Finally, the public interest weighs against a stay. “[T]here is generally no public interest in the perpetuation of unlawful agency action,” and “there is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations.” Gov’t App. 171a (citations, brackets, and internal quotation marks omitted). Although the government criticizes the district court’s assessment of the value of the Department of Education to the American public as “policymaking,” suggesting instead that the only public interest is in the accomplishment of the “President’s priorities,” *id.*, the district court properly relied on the judgment of Congress. Congress has determined that “education is fundamental to the development of individual citizens and the progress of the Nation,” 20 U.S.C. § 3401(1), and that “the establishment of a Department of Education is in the public interest” to “ensure that education issues receive proper treatment at the Federal level,” *id.* § 3402. The district court cannot be said to have abused its discretion in following Congress’s directive.

CONCLUSION

The government's application for a stay pending appeal should be denied.

Respectfully submitted.

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June 13, 2025

APPENDIX

Exhibit 1

[HOME](#) / [ABOUT US](#) / [NEWSROOM](#) / [PRESS RELEASES](#)

PRESS RELEASE

U.S. Department of Education Initiates Reduction in Force

MARCH 11, 2025

As part of the Department of Education's final mission, the Department today initiated a reduction in force (RIF) impacting nearly 50% of the Department's workforce. Impacted Department staff will be placed on administrative leave beginning Friday, March 21st.

"Today's reduction in force reflects the Department of Education's commitment to efficiency, accountability, and ensuring that resources are directed where they matter most: to students, parents, and teachers," said **Secretary of Education Linda McMahon**. "I appreciate the work of the dedicated public servants and their contributions to the Department. This is a significant step toward restoring the greatness of the United States education system."

The Department of Education will continue to deliver on all statutory programs that fall under the agency's purview, including formula funding, student loans, Pell Grants, funding for special needs students, and competitive grantmaking.

All divisions within the Department are impacted by the reduction, with some divisions requiring significant reorganization to better serve students, parents, educators, and taxpayers.

Background

When President Trump was inaugurated, the Department's workforce stood at 4,133 workers. After today's actions, the Department's workforce will total roughly 2,183 workers. Included in the reduction in force are nearly 600 employees who accepted voluntary resignation opportunities and retirement over the last seven weeks, including:

- 259 employees accepted the [Deferred Resignation Program](#)
- 313 employees accepted the [Voluntary Separation Incentive Payment](#)

Remaining employees impacted by the reduction in force will be placed on administrative leave beginning next Friday, March 21. Pursuant to regulatory requirements and the Department's collective bargaining agreement, all impacted employees will receive full pay and benefits until June 9th, as well as substantial severance pay or retirement benefits based upon their length of service.

Exhibit 2



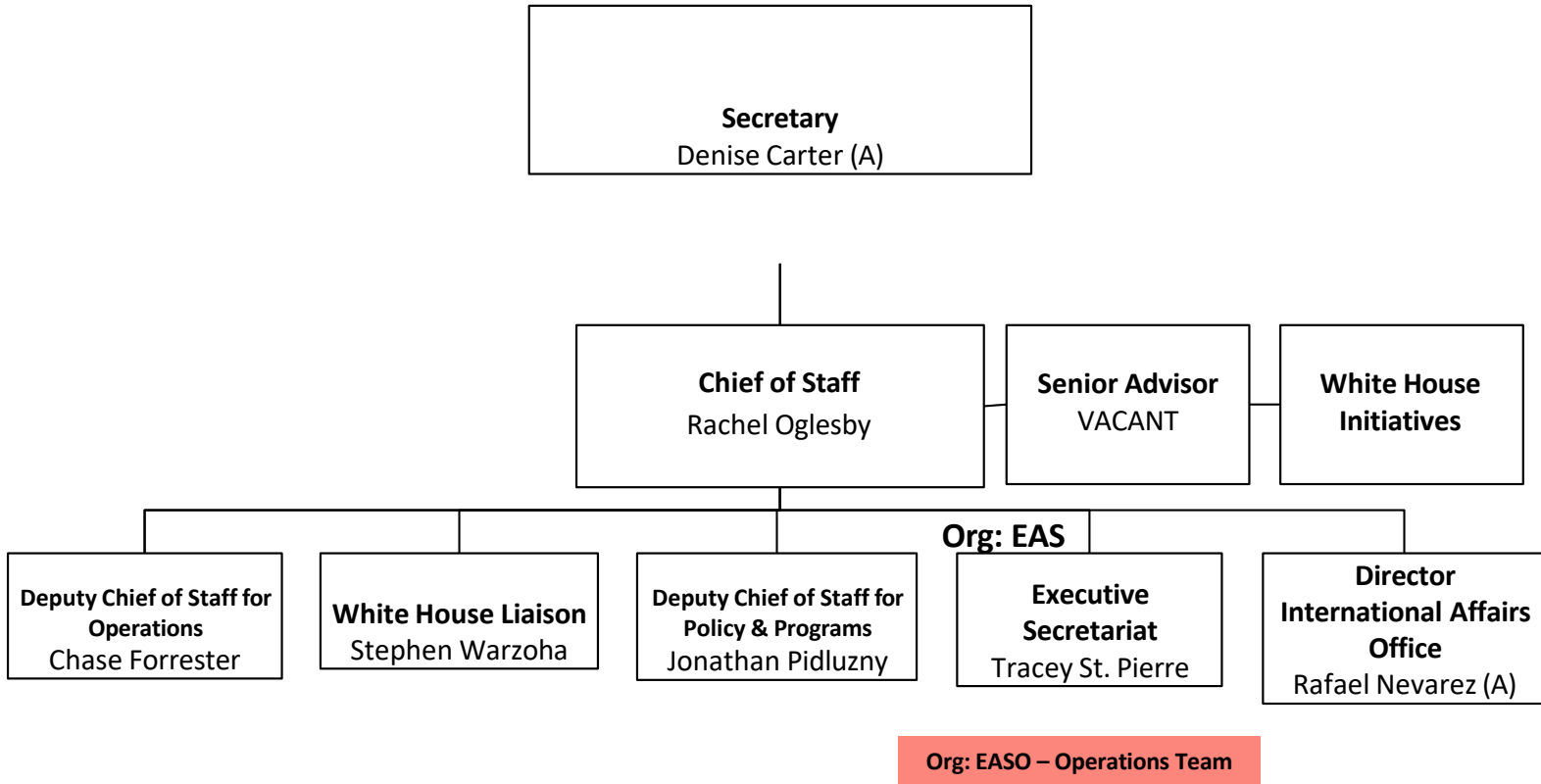
U.S. Department of Education Organizational Charts

Version Date – March 11, 2025

Organizational Charts

U.S. Department of Education

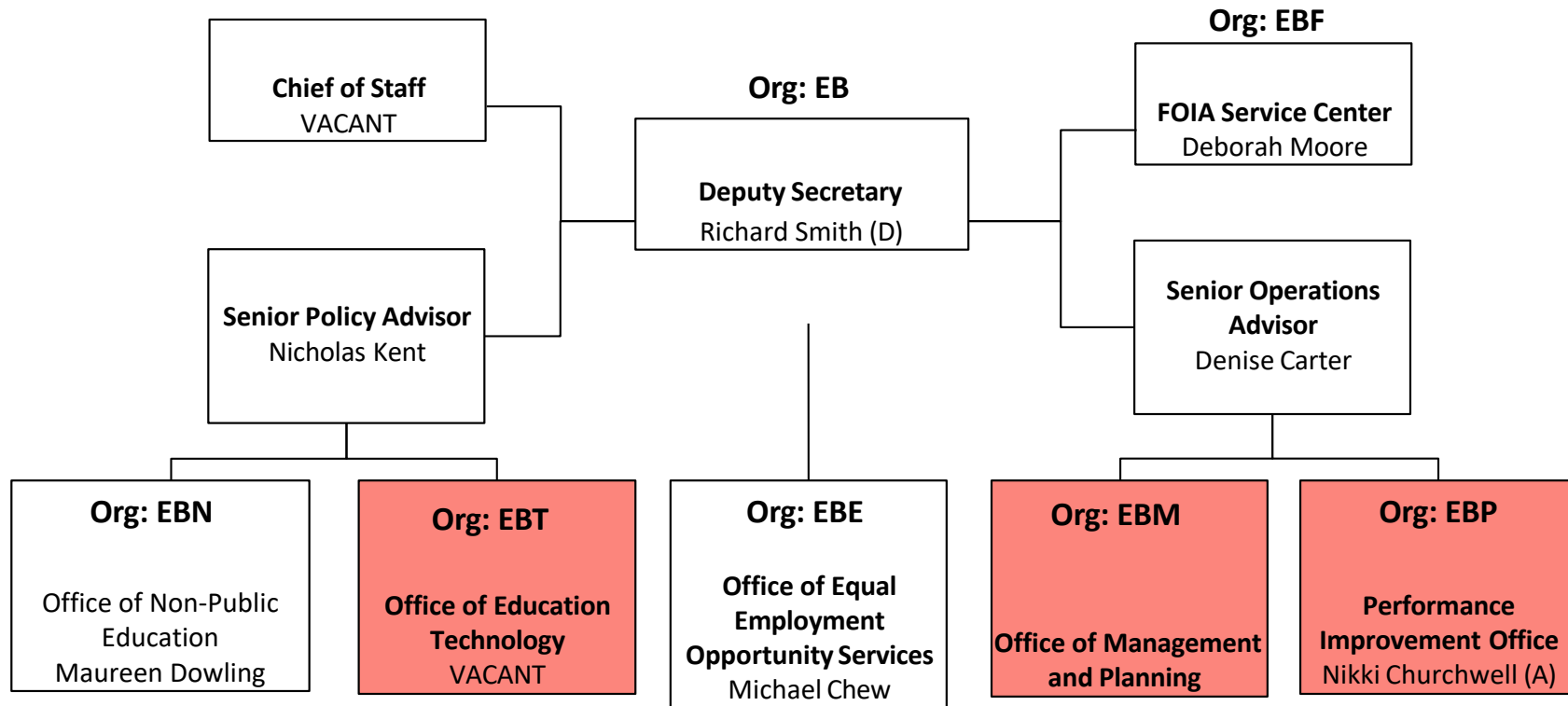
**Office of the Secretary
(OS)**



Organizational Charts

U.S. Department of Education

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(ODS)

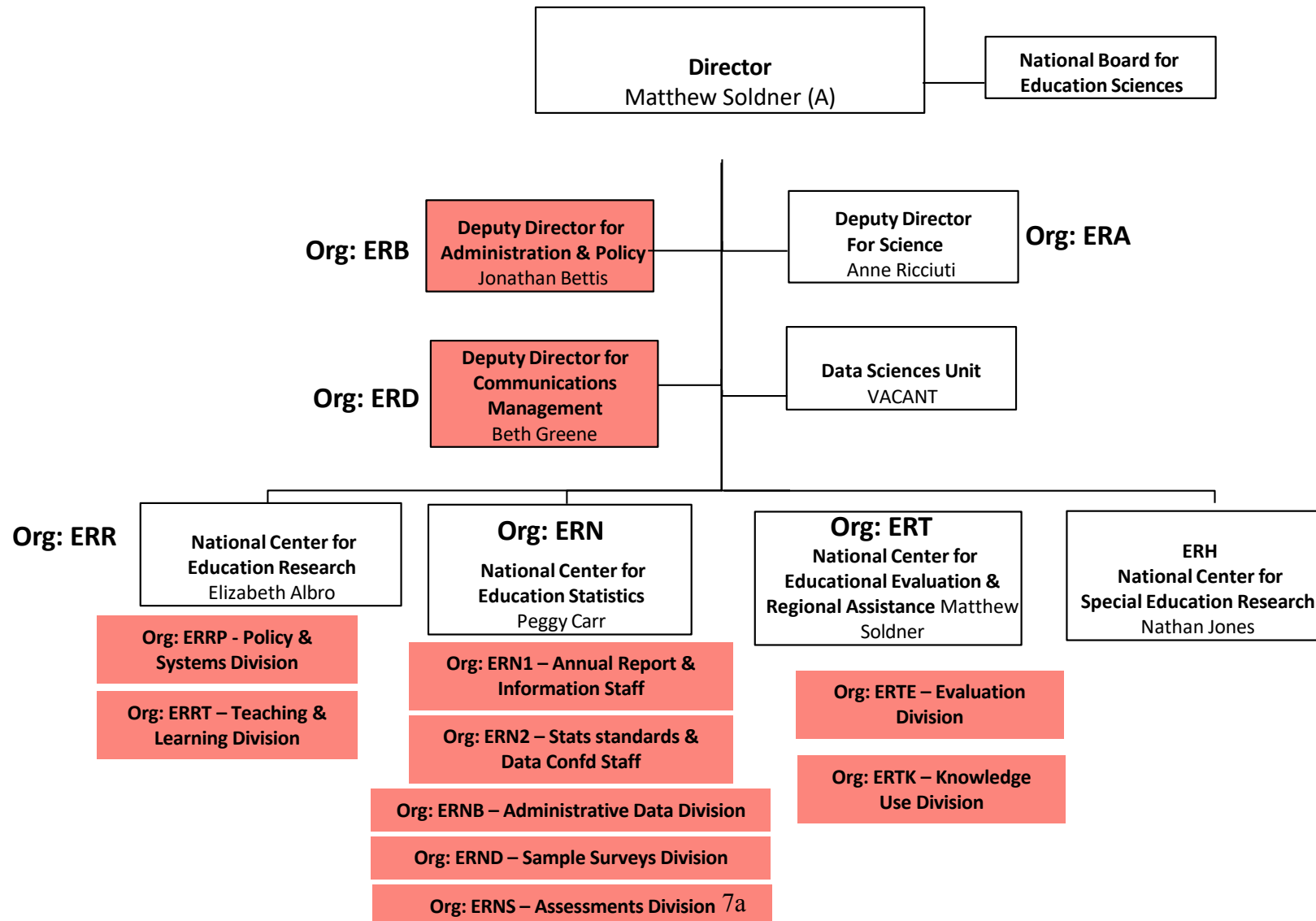


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U.S. Department of Education

Institute of Education Sciences
(IES)

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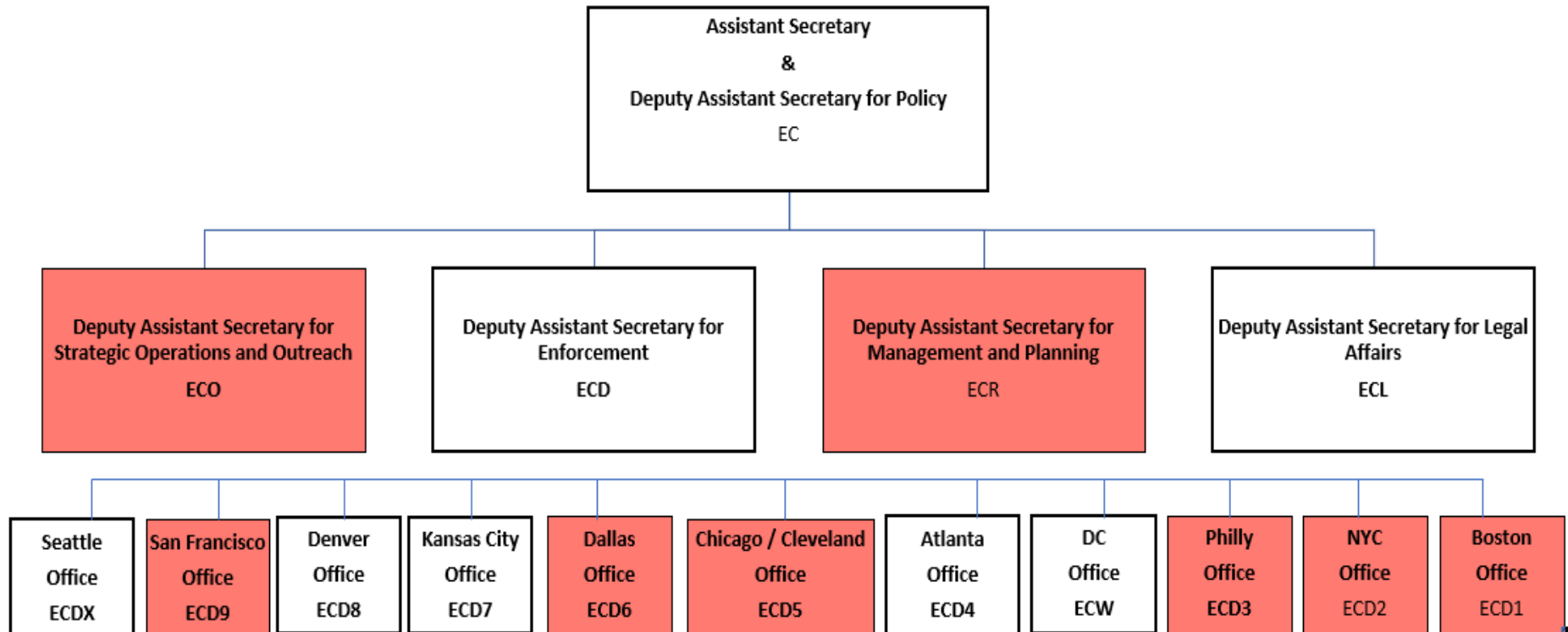


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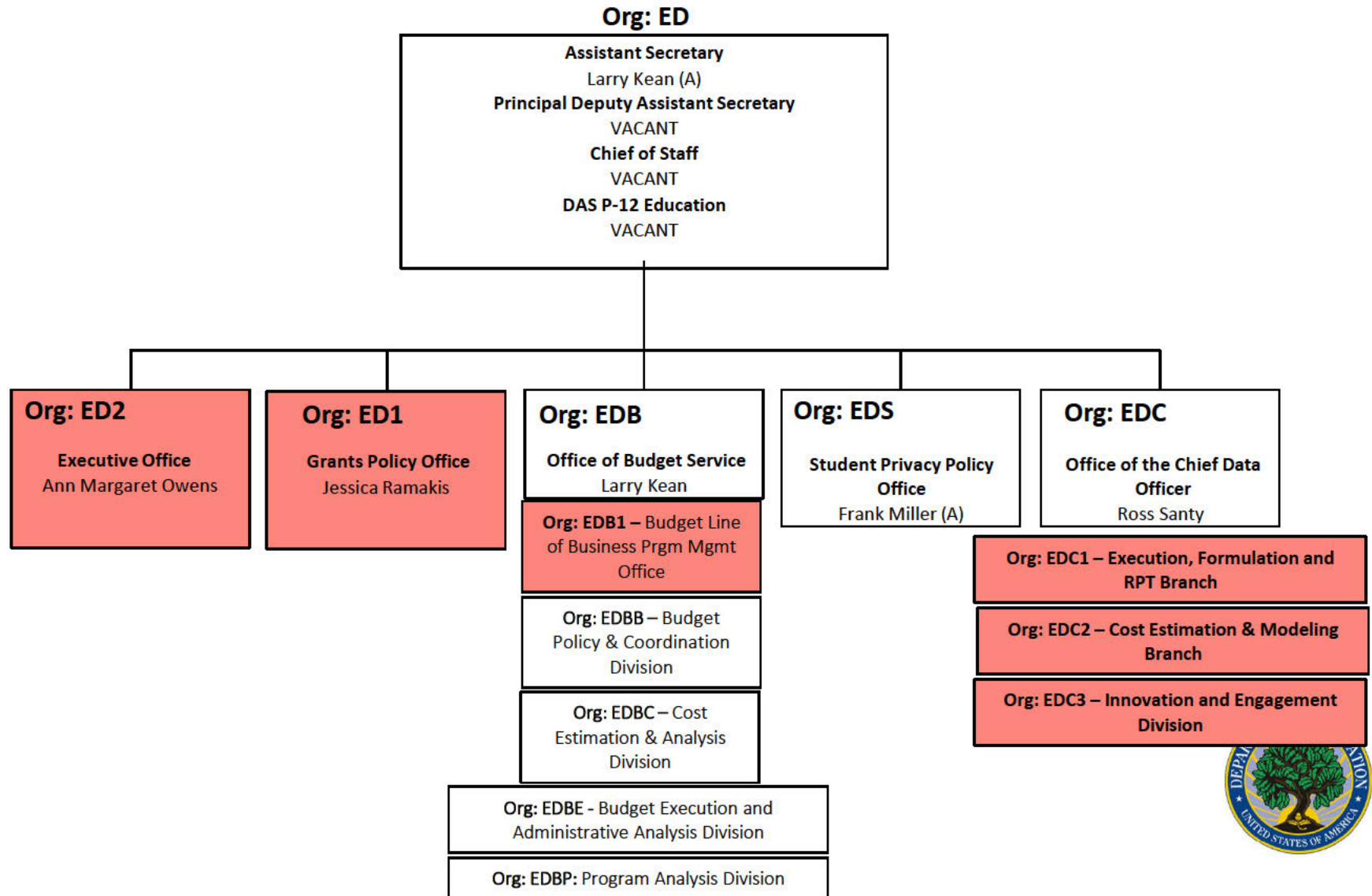
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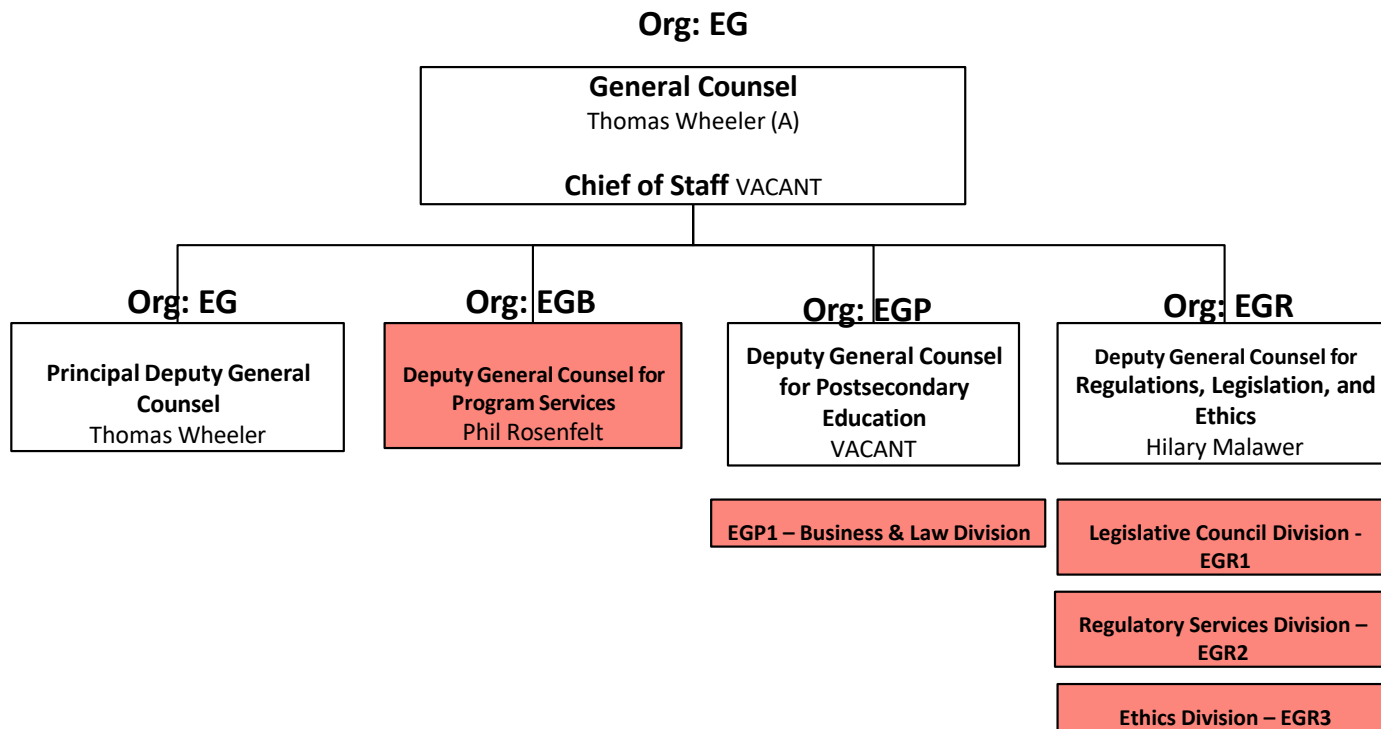
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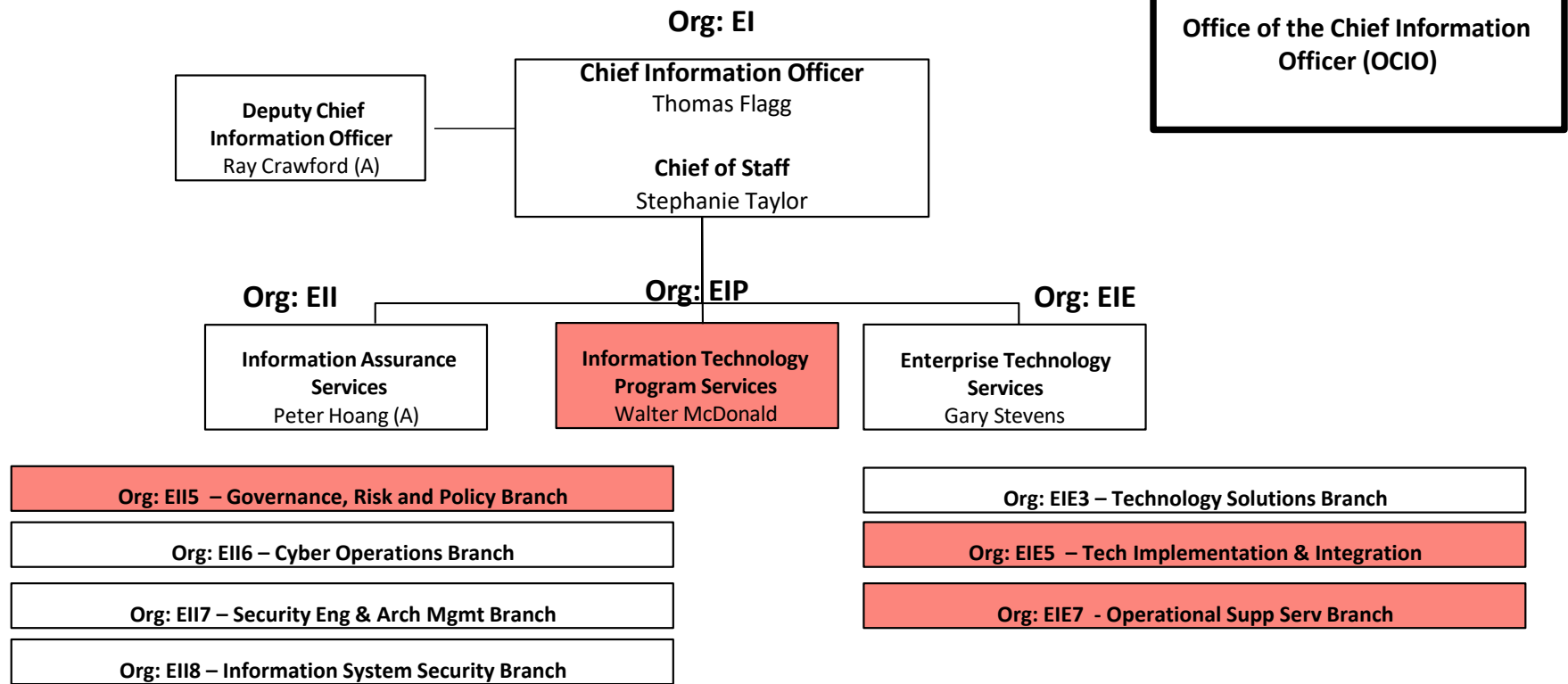
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Office of the General Counsel (OGC)



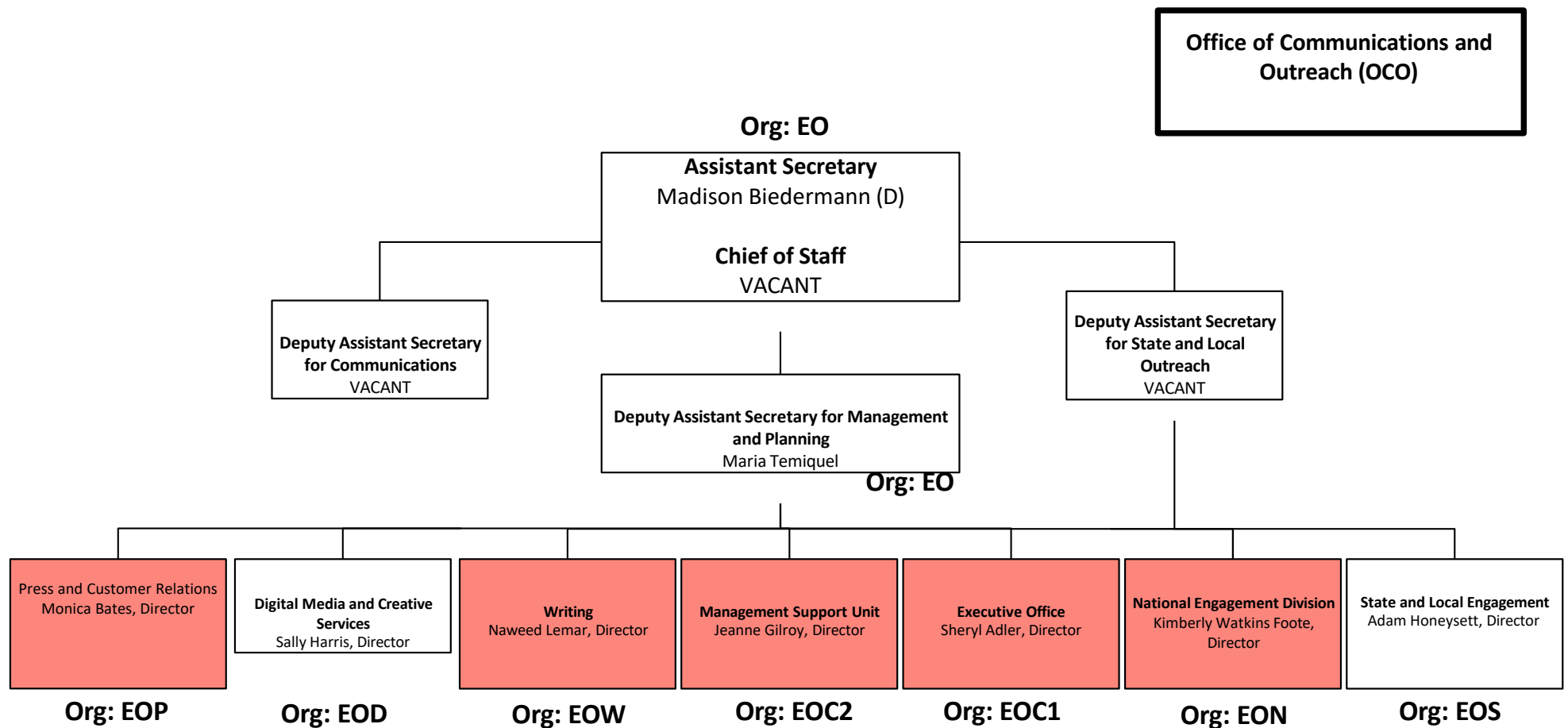
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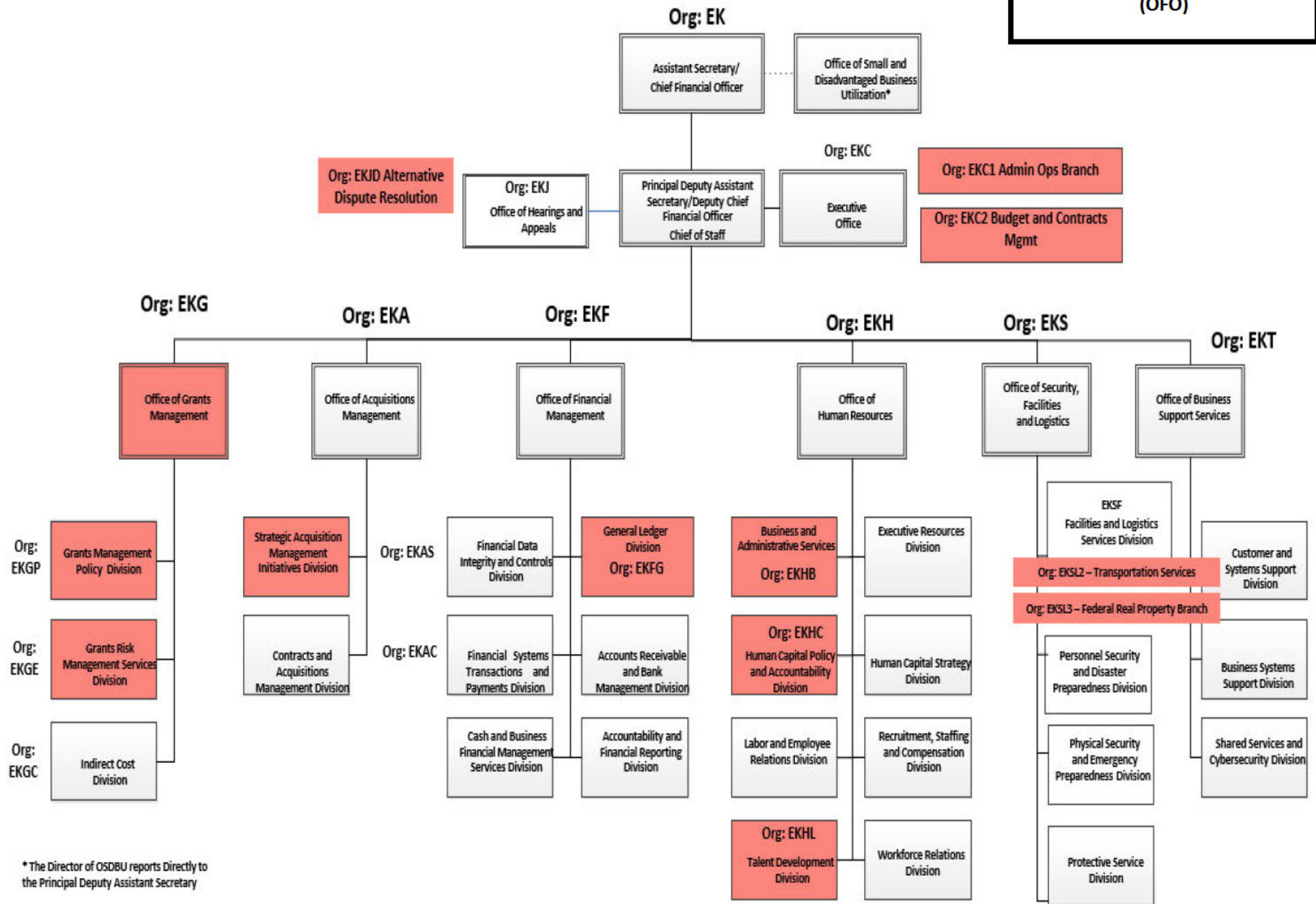


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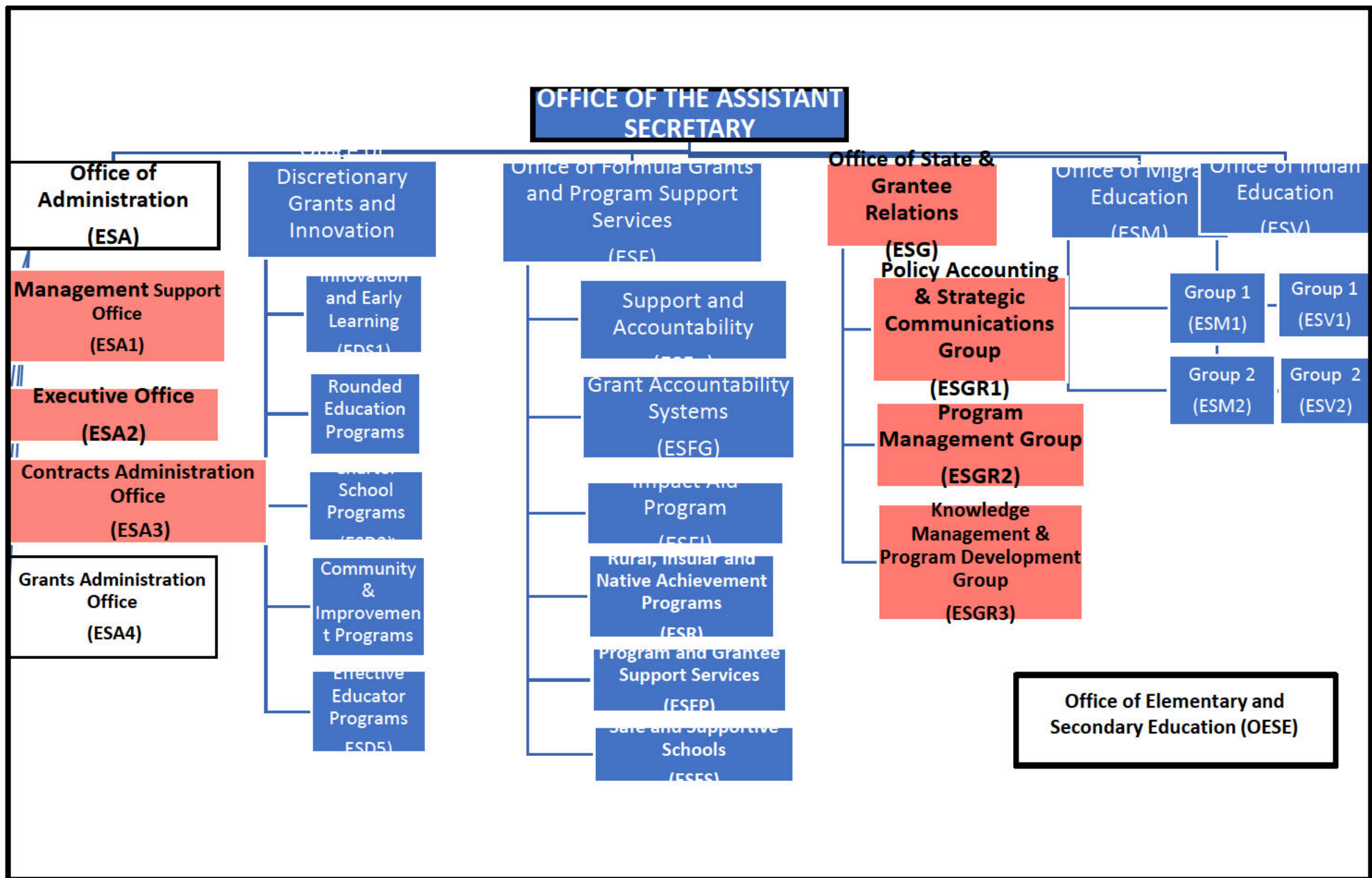


**Office of Finance and Operations
(OFO)**



* The Director of OSDBU reports Directly to the Principal Deputy Assistant Secretary

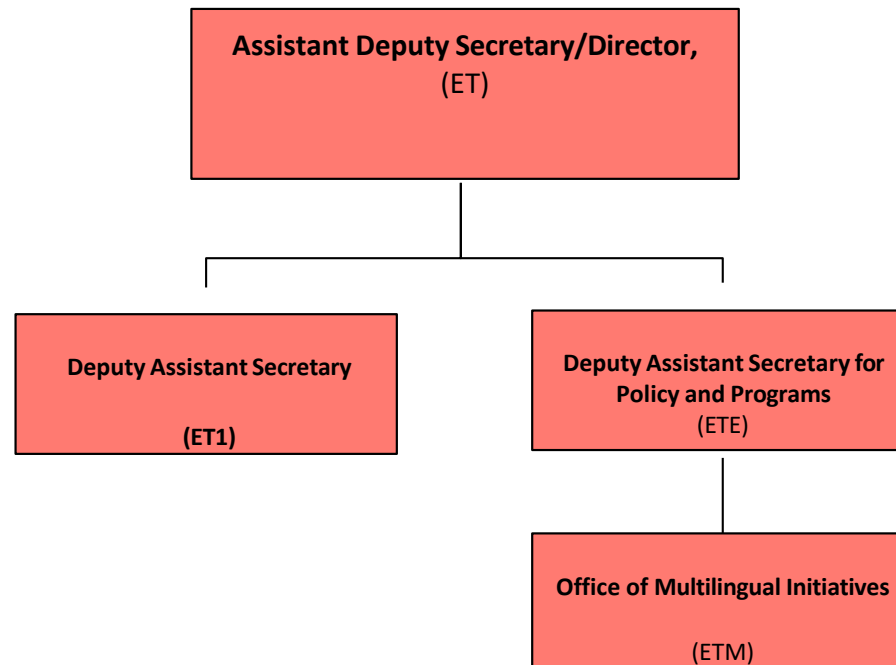
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION



Organizational Charts

U.S. Department of Education

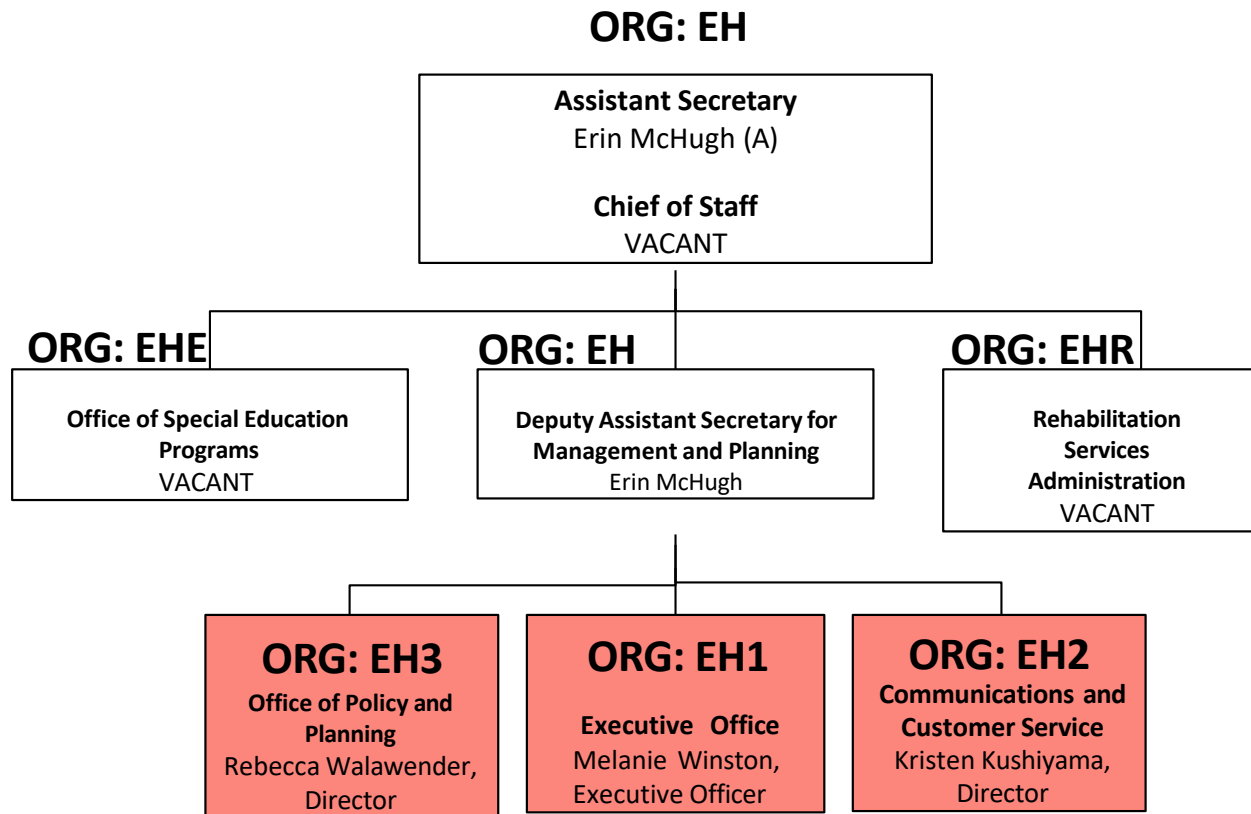
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Acquisition (OELA)



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Office of Special Education and
Rehabilitative Services (OSERS)



Organizational Charts

U.S. Department of Education

Office of the Under
Secretary (OUS)

ORG: EE

Under Secretary

Office of Career, Technical & Adult
Education (OCTAE)
Gregory Fortelny (A)

Office of Postsecondary
Education (OPE)
James Bergeron (D)

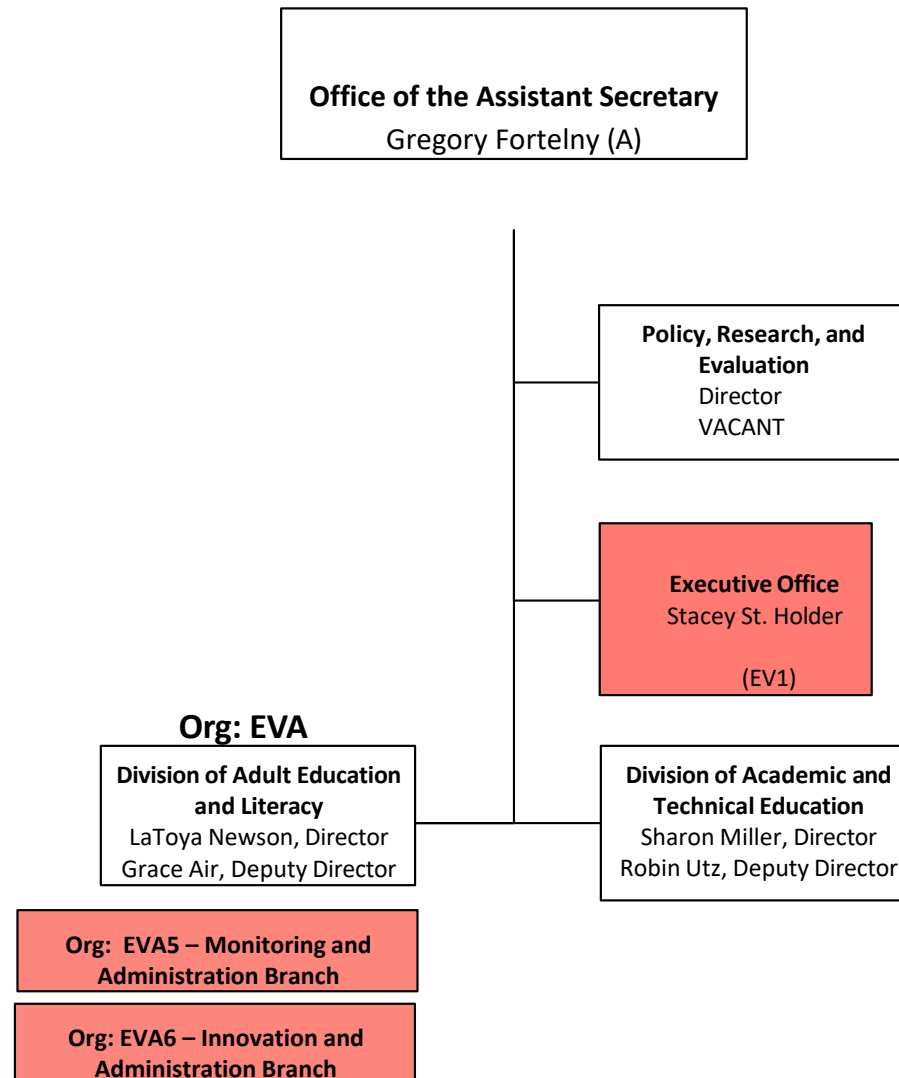
Federal Student Aid (FSA)
Denise Carter (D)



Organizational Charts

U.S. Department of Education

**Office of Career, Technical, and
Adult Education (OCTAE)**



February 2025

Office of Postsecondary Education
(OPE)Office of Postsecondary Education
(EP)

(EP)

James Bergeron (D)*

*Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Chief of Staff
(vacant)Management & Planning
(EP)

(EP)

Deputy Assistant Secretary

Tiwanda Burse

Executive Office
(EP1)

(EP1)

Executive Officer

LaKisha Reid

Management Support Unit
(EP2)

(EP2)

Director

(vacant)

Policy, Planning & Innovation
(EPA)

(EPA)

Deputy Assistant Secretary

Victor Shirley

International & Foreign Language Education
(EPF)

(EPF)

Deputy Assistant Secretary

(vacant)

Higher Education Programs
(EPH)

(EPH)

Deputy Assistant Secretary

Gaby Watts

Policy Development, Analysis & Accreditation Service
(EPAE)

(EPAE)

Senior Director

Scott Prince

Administrative and Auxiliary Services

Director - Valerie Lefor

International & Foreign Language Education
(EPF)

(EPF)

Senior Director

Cheryl Gibbs

Institutional Service
(EPHP)

(EPHP)

Senior Director

James Laws (Acting)

Student Service
(EPHS)

(EPHS)

Senior Director

James Davis (Acting)

Policy Coordination Group
(EPAE1)

(EPAE1)

Director

Tamy Abernathy

Policy Development Group
(EPAE2)

(EPAE2)

Director

(vacant)

Accreditation Group
(EPAE3)

(EPAE3)

Director

Elizabeth Daggett

Policy Analysis & Forecasting Group
(EPAE4)

(EPAE4)

Director

(vacant)

Special Initiatives Group
(EPAE5)

(EPAE5)

Director

(vacant)

Advanced Training & Research
Group
(EPFR)

(EPFR)

Director

Sarah Beaton

International Studies Group
(EPFS)

(EPFS)

Director

Gary Lima

Boards and Committees

Jacob K. Javits Fellow Program Fellowship Board

National Advisory Committee on Institutional Quality and Integrity- George Smith, Executive Director (reports
directly to Senior Director of Policy Development, Analysis & Accreditation Service)National Committee on Foreign Medical Education and Accreditation- George Smith, Executive Director (reports
directly to Senior Director of Policy Development, Analysis & Accreditation Service)Historically Black College and University Capital Financing Advisory Board- Donald Watson, Executive Director
(reports directly to Senior Director of Institutional Service)

National Board of the Fund for the Improvement of Postsecondary Education

Institutional Group A
(EPHP1)

(EPHP1)

Director

James Laws

Institutional Group B
(EPHP2)

(EPHP2)

Director

(vacant)

Institutional Group C
(EPHP3)

(EPHP3)

Director

Stacey Sijjepeovic

Fund for the Improvement of
Postsecondary Education
(EPHP4)

(EPHP4)

Director

(vacant)

Institutional Programs Development
Group
(EPHP5)

(EPHP5)

Director

(vacant)

Student Group A
(EPHS1)

(EPHS1)

Director

Sharon Easterling

Student Group B
(EPHS2)

(EPHS2)

Director

James Davis

Student Group B
(EPHS2)

(EPHS2)

Director

ReShone Moore

Student Group C
(EPHS3)

(EPHS3)

Director

(vacant)

Student Programs Development Group
(EPHS4)

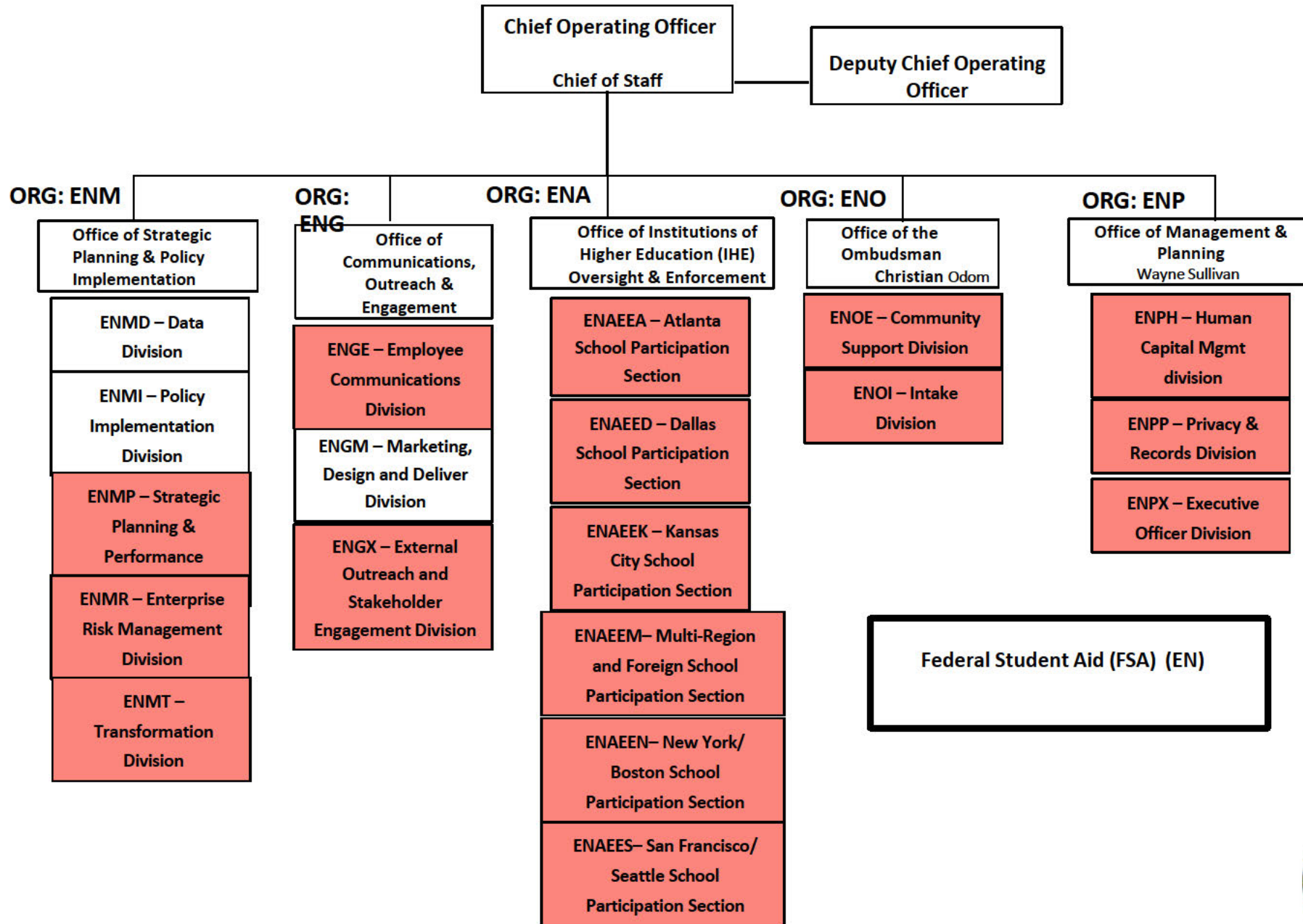
(EPHS4)

Director

Emory Morrison

Organizational Charts

U.S. Department of Education



Organizational Charts

U.S. Department of Education

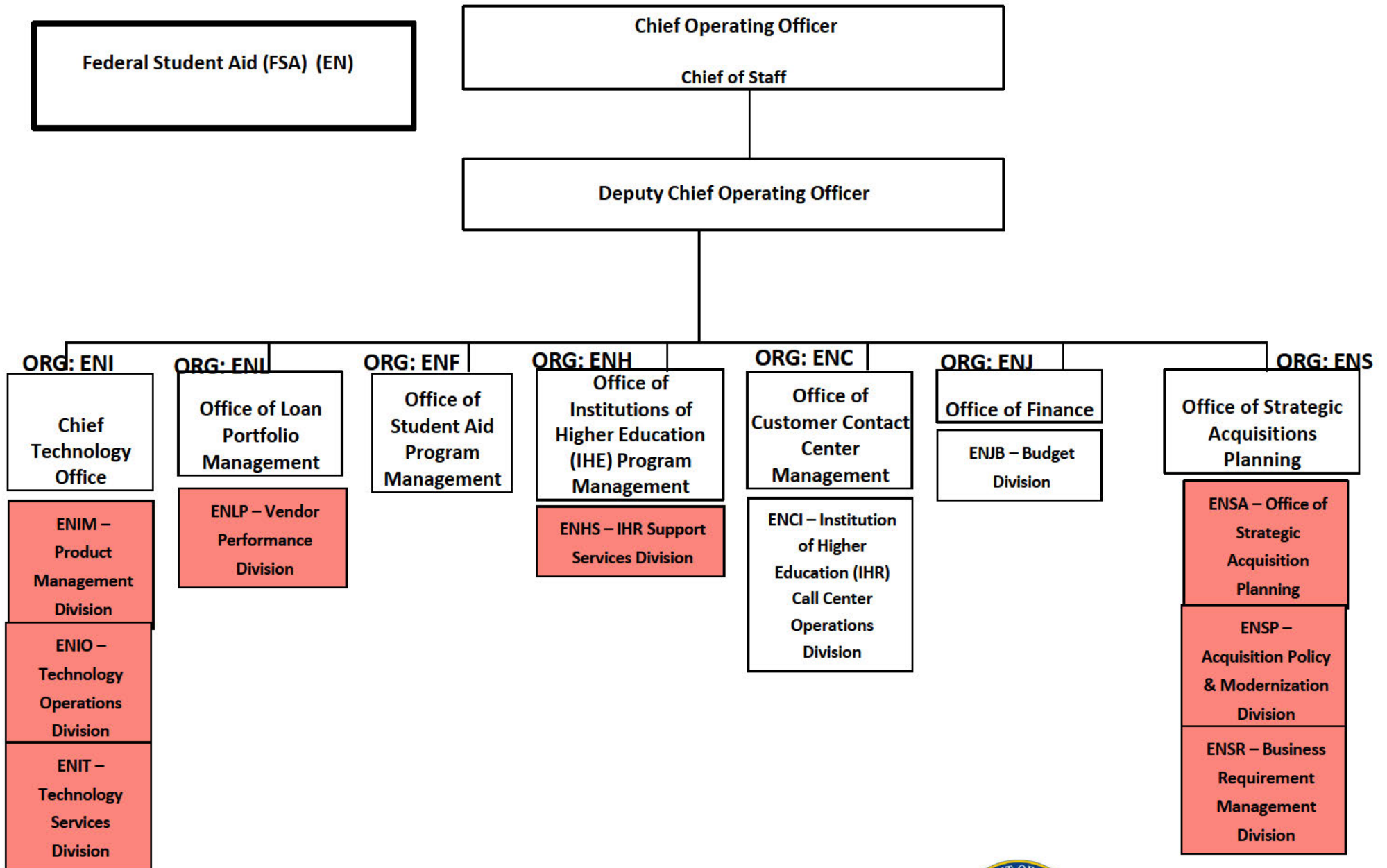


Exhibit 5

Expert Report of Elizabeth Linos, Ph.D.

I, Elizabeth Linos, submit the following Expert Report in connection with the case, captioned *Somerville Public Schools v. Trump* (25-cv-10677), currently pending in the District of Massachusetts.

1. Qualifications

My name is Elizabeth Linos. I am currently the Emma Bloomberg Associate Professor of Public Policy and Management at the Harvard Kennedy School. My area of specialization is public management, with a particular expertise in behavioral public administration. This means I integrate insights from economics and psychology into our understanding of what it means to have a functioning public sector. I direct a scientific lab named “The People Lab” that produces cutting-edge research on the people of government and the communities they are called to serve.

My expertise stems from my academic training as well as my professional experience. I hold an A.B. in Government and Economics, *magna cum laude with highest honors*, from Harvard College, and a Ph.D. in Public Policy from Harvard University. Prior to my appointment as faculty at the Harvard Kennedy School, I was an assistant professor at the University of California, Berkeley, and have worked in, on, and with government agencies for approximately 15 years in a variety of roles. Specifically, I have worked for the Behavioral Insights Team (BIT), most recently as Vice President of BIT North America, where I led research and evaluation of projects with multiple city governments across the U.S., and I have served as a Policy Advisor to Greek Prime Minister, George Papandreou, from 2009 to 2011.

As an academic, I have published extensively on topics related to public sector management and public policy, in top academic journals including *Econometrica*, *the Journal of Political Economy*, *the Journal for Public Administration Research and Theory*, *Public Administration Review*, and others. My research has also been featured in popular media outlets including The New York Times, CBS News, Forbes Magazine, Harvard Business Review, and the Financial Times. A full curriculum vitae is attached as Appendix A to this report.

The opinions presented below are my individual views, based on my expertise, and do not represent the opinions of Harvard University or the Harvard Kennedy School. I have not previously served as an expert witness.

2. Scope of Work

I have been asked by the plaintiffs of this case to provide my expert opinion on the likely ramifications of large-scale swift reductions in the federal workforce on the functioning of federal agencies, and the potential near-term impacts on the American public. For this report, I will be compensated at a rate of \$250 / hour.

3. Summary of Opinion

The proposed large-scale reductions to the federal workforce are likely to cause significant harm to the American public by undermining service quality, increasing administrative burdens, and exacerbating staffing shortages that already exist in critical areas. In my professional opinion, the abrupt and unprecedented nature of these cuts, especially when implemented without thorough analysis of agency needs or cost-effectiveness, will almost certainly reduce the government's ability to deliver essential services effectively.

As I describe below in more detail, I expect that the public and other beneficiaries of government programs and services will experience longer wait times, reduced access to benefits, and more mistakes in disbursements of funds and data accuracy. These effects won't be limited to entitlement and needs-based aid that the government provides; these effects will impair the creation and maintenance of public goods, too. But the effects are likely to disproportionately harm vulnerable populations who depend on government assistance and services. Additionally, the increased workload and stress placed on remaining employees will reduce productivity and morale, leading to burnout and increased voluntary turnover. This too will harm the ability of government agencies to perform their functions effectively. With regards to the Department of Education, large-scale and swift workforce reductions are very likely, in my opinion, to negatively affect the American public.

4. Literature review

Principles of good public administration focus on building state capacity, trust in institutions, and equitable service delivery. Good public administration is grounded in core principles that shape how government operates and serves the public. At the heart of these principles is stewardship: ensuring that taxpayer dollars are used responsibly and effectively to deliver meaningful outcomes. While some management principles—such as the importance of recruiting and motivating talent or enhancing customer experience—are consistent across sectors, public administration poses some unique challenges to effective organizational management. One such challenge is leadership turnover. In the public sector, the bureaucracy sits beneath approximately 4,000 political appointees who are typically replaced every four years. This high level of turnover threatens institutional knowledge, creating operational challenges that

private and nonprofit sectors rarely encounter. To address this, reforms like the Pendleton Act of 1883 and the Civil Service Reform Act 1978 sought to professionalize the civil service, in part by implementing merit-based hiring and reducing political influence. Evidence shows that these reforms strengthened state capacity by preserving expertise within the bureaucracy, resulting in improved outcomes for the public.¹

A second key public management principle is building trust. Public trust is shaped by perceptions of competence, benevolence, and integrity, and it is crucial for fostering cooperation and compliance.² Research consistently demonstrates that operational transparency—openly communicating how and why decisions are made—can significantly enhance trust.³ By prioritizing transparency, public managers can build credibility and strengthen relationships with residents.

Finally, good public administration demands that government balance efficiency with equity to ensure that services are accessible to all citizens. This means carefully evaluating how reforms intended to increase efficiency may inadvertently affect equity in access and delivery. In short, professionalism, transparency, and equity are fundamental to effective public administration. Building and maintaining these principles not only strengthens government operations but also fosters public trust and equity—key components of a well-functioning society.

The literature on downsizing. The literature on downsizing is mixed. While some studies suggest potential financial benefits, most reviews find that downsizing has a negative impact on both organizational performance and employee well-being.⁴ In particular, large-scale analyses, such as those of S&P 500 firms, find no consistent evidence that mass layoffs improve financial outcomes, despite their popularity as a management strategy.⁵ Mass layoffs are rare because they carry significant risks, including declines in subunit performance and damage to morale among both those who are laid off and those who remain.⁶

Even when workforce reductions are necessary, the literature emphasizes the importance of gradual, incremental implementation of downsizing efforts as a critical precondition for organizational success post-downsizing, and best practice highlights the importance of

¹ Aneja, A., & Xu, G. (2024). Strengthening state capacity: Civil service reform and public sector performance during the gilded age. *American Economic Review*, 114(8), 2352-2387.

² Porumbescu, G. (2017). Linking transparency to trust in government and voice. *The American review of public administration*, 47(5), 520-537.

³ Buell, R. W., Porter, E., & Norton, M. I. (2021). Surfacing the submerged state: Operational transparency increases trust in and engagement with government. *Manufacturing & Service Operations Management*, 23(4), 781-802.

⁴ Gandolfi, F., & Hansson, M. (2011). Causes and consequences of downsizing: Towards an integrative framework. *Journal of Management & Organization*, 17(4), 498-521.

⁵ Cascio, W. F. (2002). Strategies for responsible restructuring. *Academy of Management Perspectives*, 16(3), 80-91.

⁶ Gandolfi, F., & Hansson, M. (2011). Causes and consequences of downsizing: Towards an integrative framework. *Journal of Management & Organization*, 17(4), 498-521.

simultaneous proactive investments in process and human capital improvements if a downsizing effort is to be successful at meeting organizational goals of effectiveness or efficiency.⁷

Who is the government workforce? An analysis of the likely impact of large-scale reductions to the government workforce also requires a brief overview of the current state of the federal workforce. The federal government workforce consists of approximately 2.4 million civilian employees, excluding employees of the U.S. postal service.⁸ More than 80% live outside the D.C. metro area, and the majority work in defense and national-security related agencies, with 20% of the workforce alone working for the Department of Veterans Affairs.⁹ Consequently, a large portion of federal employees have occupations related to the health care sector. Federal workers are also responsible for various roles related to disbursement of funds to state and local governments, as well as to individuals. These roles can include ensuring that payments are delivered on time and to the right people for Social Security or means-tested benefits such as Medicaid, providing early-stage funding to scientists to conduct research that enables new vaccines or technologies before they are marketable for private sector players, or delivering grants to local governments to improve roads and transportation systems.

Importantly, because the nature of the public sector is to take on tasks that the private sector or private markets do not take on, many federal workers are involved in protecting or producing public goods. For example, federal workers are responsible for inspecting the quality and safety of our food and water; protecting national assets such as national parks and the nuclear arsenal; and coordinating, collating, and producing data and statistics that are then used by all other sectors. This includes economic statistical data, data on educational outcomes in schools, and weather and climate measurements.

Compared to the US labor force as a whole, federal workers are more likely to hold a bachelor's degree or an advanced degree. The Congressional Budget Office estimates that public sector workers who hold a college degree or above are under-paid compared to their private sector counterparts.¹⁰

The size of the federal workforce is relatively small. The relative size of the federal workforce can be measured in at least three ways. In terms of absolute numbers, the size of the federal workforce has grown very slowly over the past several decades. It is comparable in size today to the workforce of the late 1960s, even though the U.S. population has grown significantly since

⁷ Cameron, K. S. (1994). Strategies for successful organizational downsizing. *Human resource management*, 33(2), 189-211.

⁸ *All employees, federal, except U.S. Postal Service*. FRED. (2025, March 7). <https://fred.stlouisfed.org/series/CES9091100001>

⁹ Partnership for Public Service. (2024, July 1). *A Profile of the 2023 Federal Workforce*. <https://ourpublicservice.org/fed-figures/a-profile-of-the-2023-federal-workforce/>.

¹⁰ *Comparing the Compensation of Federal and Private-Sector Employees in 2022*. (2024, April 1). Congressional Budget Office. <https://www.cbo.gov/publication/60235>.

then. In terms of spending, the amount of total federal government spending that is spent on payroll ranges from around 4%¹¹ to 7%¹² depending on the year. Thus, the cost of the government workforce does not make up a significant amount of federal spending. Last, the US government workforce makes up a smaller percentage of the population than in other major economies of the world, namely the countries of the Organisation of Economic Co-operation and Development (OECD).¹³ As such, any perception that urgent workforce reductions are *required* because the federal workforce has become excessively large or “bloated” does not map onto the evidence. My training in public policy, the academic literature, as well as my experience working with government agencies all suggest that agencies do not currently have the organizational “slack” that would be required to be able to absorb large-scale cuts while continuing to function at current levels of service.

The federal government is and will be plagued by staffing shortages. Many recent analyses of the challenges within the government workforce point to staffing shortages in critical areas of government. For instance, during the pandemic, four federal health care programs reported critical staffing shortages in health workers.¹⁴ In recent surveys by the International Information System Security Certification Consortium (ISC2), 78% of government respondents point to shortages in in cybersecurity roles.¹⁵ These staffing shortages are likely to be exacerbated by an impending wave of retirements among baby boomers, with less than full replacement by younger generations of workers. As of 2023, there were twice as many employees over 60 than under 30 in the US federal workforce.¹⁶ To put these figures in context, around 20% of the total US labor force is under the age of 30, compared to only 7% of the federal government workforce. As such, any analysis of the ramifications of cuts to the federal workforce must consider that the starting point is not one of excess, in my professional opinion, but rather one of under-resourcing. It must also consider whether and how the functions currently performed by federal workers can be taken on by other sectors, and at what cost.

¹¹ Davidson, J. (2024, December 6). *If Trump Wants to Cut Government Workers, Look to the Private Sector*. Washington Post. <https://www.washingtonpost.com/politics/2024/12/06/trump-federal-workers-contractors/>.

¹² Kamarck, E. (2025, January 28). *Is government too big? Reflections on the size and composition of today's federal government*. Brookings. <https://www.brookings.edu/articles/is-government-too-big-reflections-on-the-size-and-composition-of-todays-federal-government/>

¹³ Chappell, B. (2025, March 6). How does the U.S. federal workforce compare with those in other countries? *NPR*. <https://www.npr.org/2025/03/06/nx-s1-5310542/federal-workforce-other-countries-compared>.

¹⁴ Pandemic Response Accountability Committee, Horowitz, M. E., Grimm, C. A., Storch, R. P., & Missal, M. J. (2023). *Personnel shortages in federal health care programs during the COVID-19 pandemic*. <https://www.oversight.gov/sites/default/files/documents/reports/2023-09/healthcare-staffing-shortages-report.pdf>.

¹⁵ Vimesh Patel. (2024, October 21). *Top Considerations for Narrowing the Federal Cybersecurity Skills Gap*. Federal News Network. <https://federalnewsnetwork.com/commentary/2024/10/top-considerations-for-narrowing-the-federal-cybersecurity-skills-gap/>.

¹⁶ Partnership for Public Service. (2024, July 1). *A Profile of the 2023 Federal Workforce*. <https://ourpublicservice.org/fed-figures/a-profile-of-the-2023-federal-workforce/>.

Historical efforts to reduce the government workforce

While efforts to reduce the size of the federal workforce are not new, the current scope, speed, and approach to reductions in force are, to my knowledge, unprecedented in a US context. To put the current layoffs into perspective, some of the largest private sector layoffs in US history occurred in 1993 when IBM fired 60,000 people¹⁷ (approximately 20% of their workforce), or in 2001 when Boeing laid off 31,000 workers¹⁸ (approximately 15% of their workforce). These forms of swift downsizing usually occur after a major economic shock such as the Great Recession¹⁹ or a clear exogenous crisis – IBM posting an \$8 billion loss and the September 11th attacks respectively.²⁰ The currently planned federal layoffs could surpass these numbers by an order of magnitude and, importantly, do not seem to come after a major exogenous shock.

Perhaps the most similar recent efforts to reduce the federal workforce are those of President Reagan's Private Sector Survey on Cost Control, also known as The Grace Commission, and President's Clinton National Performance Review (NPR), later known as the National Partnership for Reinventing Government. The Grace Commission was tasked with identifying areas for cost reduction and efficiency improvements in government and led to a series of recommendations which was presented to Congress in 1984.²¹ As such, one key difference between this and current efforts was that recommendations of this primarily private sector commission were given to Congress who then made decisions on whether or not to implement the recommendations. Both the Congressional Budget Office and the General Accounting Office filed a report that questioned some of the estimated savings that the Grace Commission predicted²² and, ultimately, Congress did not support large-scale workforce reductions and President Reagan's administration was not successful at cutting the federal workforce: there were more people working in government at the end of his term than at the beginning of his term.²³

¹⁷ Weber, S. J. P. a. J. (1993, July 28). *\$8-Billion Loss Posted by IBM; More Layoffs Set*. Los Angeles Time. , <https://www.latimes.com/archives/la-xpm-1993-07-28-mn-17823-story.html>.

¹⁸ Roeloffs, M. W. (2025, February 7). *At least 65,000 workers accept Trump's Buyout—Now the biggest job cut in US history*. Forbes. <https://www.forbes.com/sites/maryroeloffs/2025/02/07/at-least-65000-workers-accept-trumps-buyout-now-the-biggest-job-cut-in-us-history/>.

¹⁹ Kraft, M. A., & Bleiberg, J. F. (2022). The inequitable effects of teacher layoffs: What we know and can do. *Education Finance and Policy*, 17(2), 367-377.

²⁰ This does not include the more obvious cases of all employees being laid off when a firm goes out of business completely.

²¹ *President's Private Sector Survey on Cost Control (Grace Commission)*. (2025, January 2). Ronald Reagan. <https://www.reaganlibrary.gov/archives/topic-guide/presidents-private-sector-survey-cost-control-grace-commission>.

²² *Analysis of the Grace Commission's Major Proposals for Cost Control: A Joint Study by the Congressional Budget Office and General Accounting Office* (GAO 123531). (1984, February 28). United States Congress Congressional Budget Office General Accounting Office. <https://www.gao.gov/assets/123531.pdf>.

²³ *All employees, federal, except U.S. Postal Service*. FRED. (2025, March 7). <https://fred.stlouisfed.org/series/CES9091100001>.

On the other hand, under Vice President Al Gore's leadership, the NPR led to a reduction of over 420,000 government positions – less than 20% of the workforce – over the course of seven years (1993 to 2000)²⁴. This reduction was accomplished after bipartisan congressional approval, and primarily through a combination of buyouts and early retirements, with less of an emphasis on widespread reductions in force (RIFs). It is also noteworthy that during this period, the Clinton administration coupled more strategic reductions in the workforce with other large-scale initiatives to improve the performance orientation of government agencies, including the implementation of the Government Performance and Results Act of 1993.²⁵

As such, the current efforts to reduce the workforce are unprecedented, not only in terms of scope, but also in terms of speed and cause. Unlike large private sector downsizing efforts, there does not seem to be an exogenous shock that necessitates major layoffs. Unlike the Grace Commission, the executive branch is not submitting recommendations to Congress. Unlike the NPR, the administration is moving to implement widespread RIFs within weeks, not years. And at least according to publicly available information, there is no analysis on which individuals and departments to cut that relates to an analysis of individual-level performance, agency-level need, or cost-effectiveness.

Therefore, I lean on extant literature and empirical evidence from related contexts to form my professional opinion on the potential direct and indirect ramifications of these types of workforce reductions. To conduct this analysis, I also assume that publicly available information is correct on how these reductions are currently being conducted – that is, I assume that the administration is disproportionately cutting probationary employees, cutting teams that collect data and statistics, and is not considering return on investment in who they cut so are cutting teams that likely bring in more funds than they cost.

5. The Likely Impact of Large-Scale Workforce Reductions on the American Public

Mass layoffs will likely reduce the quality of service delivery. Reducing the number of government workers to the extent reported in publicly available media will necessarily affect the ability of government agencies to function effectively. The nature of the impact on the public depends, in part, on what types of roles are eliminated or reduced.

For positions that involve direct service delivery such as administering benefits, processing grants or funding applications, answering calls, or renewing passports, previous evidence would predict a reduction in service quality experienced by the American public in the short term, as well as less access to benefits programs. The extant literature, for example, documents that

²⁴ Kamarck, E. (2013, June 18). *Lessons for the future of government reform*. Brookings. <https://www.brookings.edu/articles/lessons-for-the-future-of-government-reform/>.

²⁵ Moynihan, D. P. (2003). Public management policy change in the United States during the Clinton era. *International Public Management Journal*, 6(3), 371-394.

staffing shortages in health care settings, are associated with lower patient satisfaction, longer wait times and decreased quality of care.^{26, 27} A related literature shows that staff turnover can adversely affect continuity of care and related outcomes. For example, staff shortages and turnover among caseworkers lead to worse outcomes for children in the child welfare system.²⁸

Mass layoffs will likely increase administrative burdens for beneficiaries of government services. A related literature in public management points to the importance of administrative burdens in shaping the experience of citizens and residents when they interact with their government. The *Administrative Burdens*²⁹ framework outlines three types of costs that residents may incur when interacting with government programs and services, some of which may be necessary and some of which may be redundant: *informational costs* refer to the costs associated with learning about a program or service, its eligibility criteria, how to apply, or its potential benefits; *compliance costs* refer to the costs associated with accessing a program or service such as providing documentation, attending interviews, enduring long wait times, or filling out forms; and *psychological costs* refer to the frustration, anxiety, or stigma that is associated with government-resident interactions. When administrative burdens are high, residents are less likely to access programs for which they're eligible. To address this, government agencies often have teams dedicated to either reducing these burdens directly, such as internal teams aimed at improving the customer experience,³⁰ or will provide navigation assistance or proactive informational outreach to help residents navigate these burdens. As such, any staffing cuts that affect the teams responsible for reducing these burdens – such as teams that staff hotlines, answer questions from state or local governments, or conduct direct outreach – will make it harder for Americans to access programs for which they are eligible. This is likely to increase frustration and wait times, and make programs more difficult to access.

The result – an overall reduction in the number of people who are able to access critical government programs – is likely to disproportionately affect those that are most in need of these programs. For example, a recent study points to the direct impact of reducing staff in Social Security Administration (SSA) field offices on the ability of eligible Americans to enroll in benefits. A back-of-the-envelope calculation by the author notes that almost 80,000 people who would have enrolled in Supplemental Security Income (SSI) and Old-Age, Survivors, and Disability Insurance (OASDI) – two federal benefits programs for disabled and elderly adults –

²⁶ Aiken, L. H., Sloane, D. M., Bruyneel, L., Van den Heede, K., Griffiths, P., Busse, R., ... & Sermeus, W. (2014). Nurse staffing and education and hospital mortality in nine European countries: a retrospective observational study. *The Lancet*, 383(9931), 1824-1830.

²⁷ Kane, R. L., Shamliyan, T. A., Mueller, C., Duval, S., & Wilt, T. J. (2007). The association of registered nurse staffing levels and patient outcomes: systematic review and meta-analysis. *Medical care*, 45(12), 1195-1204..

²⁸ Social Work Policy Institute. (2010, January). *High caseloads: How do they impact delivery of health and human services?* The National Association of Social Workers Foundation.

²⁹ Herd, P., & Moynihan, D. P. (2018). *Administrative Burden: Policymaking by Other Means*. Russell Sage Foundation. <https://doi.org/10.7758/9781610448789>

³⁰ *Federal Customer Experience | CX*. (2025, March 21). Performance.gov. <https://www.performance.gov/cx/>

did not do so because of workforce reductions during the Reagan Administration.³¹ I note that these estimates were based on a 20% reduction in the workforce that was implemented primarily through hiring freezes. In contrast, publicly available information suggests that current staffing cuts will far exceed 20% and are being implemented through abrupt reductions in force – both of which suggest that the effects could be even more severe than seen under the Reagan Administration.

Mass layoffs will likely impact the performance of “surviving” employees, and by extension the organizational performance of agencies. Workforce shortages do not only affect customers by reducing the number of people who can do the work that customers expect, they also affect the productivity and performance of “survivors” – those who remain employed after severe downsizing. The immediate effects on those who survive are likely to involve increased workload and reduced morale, both of which impact productivity and performance, and are associated with higher voluntary turnover. More specifically, the Jobs Demands-Resources model (JD-R) model points to two categories of workplace factors that can affect employee wellbeing and performance.³² On the one hand, there are job demands – components of one’s job that require sustained cognitive, physical, or emotional effort, and can lead to stress or burnout. A sharp rise in the number of people to serve or tasks to complete, due to a staffing shortage, would constitute a significant increase in job demands, which the literature predicts would ultimately lead to increased exhaustion and burnout among employees. This can also impact employee performance. For instance, studies on workload compression of auditors shows that when auditors have higher workloads, individual audit quality goes down.³³ Of note, according to the 2023 federal employee viewpoint survey, only 22% of federal workers believed their workload was reasonable.³⁴

On the other hand, there are job resources, which are factors that help employees perform their job functions, achieve their goals, and promote wellbeing. Resources can include anything from training opportunities to supervisory support and peer support. Literature shows a clear relationship between employee morale and engagement and feeling supported by your supervisor, feeling valued at work, and feeling understood. When employees feel they are not supported or respected at work, they are less likely to go above and beyond their stated job description (technically called “extra-role performance”), and they are more likely to report

³¹ Gordon, S. Employee Exodus: The Impact of Government Downsizing on Benefit Access. Working Paper.

³² Bakker, A. B., Demerouti, E., & Verbeke, W. (2004). Using the job demands-resources model to predict burnout and performance. *Human Resource Management: Published in Cooperation with the School of Business Administration, The University of Michigan and in alliance with the Society of Human Resources Management*, 43(1), 83-104.

³³ Lopez, D. M., & Peters, G. F. (2012). The effect of workload compression on audit quality. *Auditing: A Journal of Practice & Theory*, 31(4), 139-165.

³⁴ *FY2023 Federal Employee Viewpoint Survey Summary - Results for OPM only*. (n.d.). U.S. Office of Personnel Management. <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/employee-surveys/results/fy2023-federal-employee-viewpoint-survey-summary/>.

experiencing burnout.³⁵ Some studies among educators show that even the threat of reductions in force reduce morale and increase voluntary turnover, even when they are not fully enacted.³⁶

When job demands increase or job resources decrease – or both – it can lead to an increase in burnout and exhaustion, which is correlated with lower quality performance and a higher likelihood of mistakes.³⁷ As such, widespread reductions in force could affect organizational performance and accuracy on critical tasks that residents, states, and others depend on, with downstream effects on resident interactions with and trust in government. For instance, if reductions in force affect federal agencies that are responsible for processing disbursements of funds to local governments, we should expect – based on available literature – an increase in mistakes and delays in this process. This will then impact residents, not through their interactions with the federal workforce, but through their interactions with the agencies and organizations that the federal agency funded. Similarly, if reductions in force affect agencies or departments that are responsible for investigating and identifying risks to the public, such as food or water contamination, we should expect that job demands will increase among the surviving employees, which will increase the likelihood of burnout and reduce performance, thereby increasing risk for residents.

Taken together, each of these mechanisms lead to a reduction in organizational performance due to downsizing that I predict will likely impact resident satisfaction and interactions with government. Importantly, these mechanisms also compound each other: not only are mass layoffs likely to directly reduce the quality of service delivery and increase administrative burdens for residents, but their impact on the surviving workforce is likely to further exacerbate these effects.

6. Exploring the case of the Department of Education

As with many of the examples provided above, widespread workforce reductions to the Department of Education are very likely, in my opinion, to affect the American public. This is likely to have a serious negative impact on service delivery through at least three channels.

First, reductions in the agency workforce – especially when done quickly and without adequate planning – are very likely to decrease performance and morale among surviving employees, and increase the risk of mistakes or delays in fund disbursements. For example, the literature cited above emphasizes the importance of gradual and incremental transitions as part of necessary

³⁵ Bakker, A. B., Demerouti, E., & Verbeke, W. (2004). Using the job demands-resources model to predict burnout and performance. *Human Resource Management: Published in Cooperation with the School of Business Administration, The University of Michigan and in alliance with the Society of Human Resources Management*, 43(1), 83-104..

³⁶ Goldhaber, D., Strunk, K. O., Brown, N., & Knight, D. S. (2016). Lessons learned from the Great Recession: Layoffs and the RIF-induced teacher shuffle. *Educational Evaluation and Policy Analysis*, 38(3), 517-548.)

³⁷ Shanafelt, T. D., Balch, C. M., Bechamps, G., Russell, T., Dyrbye, L., Satele, D., ... & Freischlag, J. (2010). Burnout and medical errors among American surgeons. *Annals of surgery*, 251(6), 995-1000.

workforce reductions.³⁸ If swift reductions also mean there is no time for a new team to be onboarded and trained to take on the work of fund disbursement – a team that is not in itself overworked – processing grant funding would likely slow down and the likelihood of mistakes would increase.

Federal funding available for states and schools has a direct effect on student achievement³⁹ and because of the nature of the school year cycle, even simple delays in funding could impact what staff and resources are available for students. If delays in funding translate to workforce cuts at the state and local level, the literature suggests that this will also have a clear negative impact on educational outcomes, especially for traditionally underserved students. For example, recent evidence shows that mass teacher layoffs caused by the Great Recession led to worse educational outcomes for students overall, and disproportionately more negative impacts on math scores and other outcomes for students from higher poverty schools.⁴⁰

Second, if workforce reductions at the Department of Education involve large reductions in the kinds of positions that help local governments, families, and individuals navigate the administrative burdens of government – such as reducing outreach and navigation assistance for households receiving services – my expectation is a decline in take-up of government services among those who are eligible. Depending on which assistance and outreach efforts are hindered, this could include critical services such as student financial aid that would negatively affect college attendance. I base this prediction on previous studies that show the converse result: when accessing financial aid becomes easier through navigation assistance or better outreach, college attendance increases.^{41, 42}

Third, if workforce reductions at the Department of Education reduce the number of staff who are managing cases related to the Office for Civil Rights, I expect this will lead to immediate delays in case resolution, which could increase the backlog over time. Moreover, by increasing the caseload for employees who remain within the organization, this could also impact the quality of those case adjudications and future voluntary turnover due to exhaustion and burnout

³⁸ Gandolfi, F., & Hansson, M. (2011). Causes and consequences of downsizing: Towards an integrative framework. *Journal of Management & Organization*, 17(4), 498-521.

³⁹ Johnson, R. C. (2023). School Funding Effectiveness: Evidence from California's Local Control Funding Formula. *Learning Policy Institute*.

⁴⁰ Kraft, M. A., & Bleiberg, J. F. (2022). The inequitable effects of teacher layoffs: What we know and can do. *Education Finance and Policy*, 17(2), 367-377.

⁴¹ Bettinger, E. P., Long, B. T., Oreopoulos, P., & Sanbonmatsu, L. (2012). The role of application assistance and information in college decisions: Results from the H&R Block FAFSA experiment. *The Quarterly Journal of Economics*, 127(3), 1205-1242.

⁴² Dynarski, S. M. (2003). Does aid matter? Measuring the effect of student aid on college attendance and completion. *American Economic Review*, 93(1), 279-288.

down the line. I base this, again, on evidence of the converse effect: when caseloads are reduced, adjudication quality and equity seems to increase in other contexts.⁴³

More broadly, the Department of Education plays a crucial role in collecting, analyzing, and disseminating data that reflect how the country is performing on key educational indicators. If staffing cuts affect the teams that manage these data sets, the quality, accuracy, and availability of vital national data could be severely compromised. For instance, if statistical experts – or the Department experts who supervise them – responsible for data quality checks and corrections are eliminated, the accuracy and reliability of public data on how students are performing, and any time trends or variations across the country will be less clear. These data sets depend not only on accurate data collection but also timely data collection: one cannot go back in a few years to measure how students were performing on tests in 2025. A reduction in in-house research and statistical expertise of the Department has the potential to reduce transparency in how public policies are performing and reduce the ability of American society to assess how well their government is functioning. In my opinion, these reductions will also directly affect the ability of schools and families to benefit from research on what works in education – research that will either not be updated if the staff responsible for maintaining the relevant clearinghouse are no longer employed, or will not even be conducted, if the data on educational outcomes is limited. The knock-on effect of not having a centralized, specialized government workforce for this level of data collection and evidence dissemination is hard to quantify but should be carefully considered as a very likely impact of these efforts.

Respectfully submitted,



Elizabeth Linos
Emma Bloomberg Associate Professor of Public Policy and Management

March 28, 2025

DATE

⁴³ Kricheli-Katz, T., & Weinshall, K. (2023). Judging fast or slow: The effects of reduced caseloads on gender- and ethnic-based disparities in case outcomes. *Journal of Empirical Legal Studies*, 20(4), 961-1004.

Exhibit 6

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Somerville School District, *et al.*,

Plaintiffs,

v.

U.S. Department of Education, *et al.*,

Defendants.

Civil Case No. 1:25-cv-10677

DECLARATION OF EMMA LEHENY

I, Emma Leheny, declare under penalty of perjury, under 28 U.S.C. § 1746, that the following is true and correct:

1. I am over eighteen years old, of sound mind, and fully competent to make this declaration. I also have personal knowledge of the factual statements contained herein.

2. I served as Acting General Counsel and Principal Deputy General Counsel in the Office of the General Counsel at the U.S. Department of Education. I served in both of those positions from January 20, 2021 to October 6, 2021, and then as Principal Deputy General Counsel through May 2022.

3. OGC's statutory mission is to "provide legal assistance to the Secretary concerning the programs and policies of the Department."

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The Office of The General Counsel

4. As Acting General Counsel, I was responsible for overseeing the Office of the General Counsel (OGC) at the U.S. Department of Education in every respect. I worked directly with the staff and managing counsel in each of OGC's divisions. Those attorneys regularly briefed me on specific projects, presenting recommendations for decisions I made. In addition, I would frequently reach out to individual career attorneys to assist me in providing advice to other agencies or offices on issues within the attorneys' specialty. In most cases, I could not have made a fully informed decision without the input of career counsel. Specializing in complex areas of law unique to the Department and drawing from deep experience, career attorneys provided essential advice that I could not have replicated by hiring or consulting attorneys outside of OGC. In addition to the briefings specific to a particular project or case, I received daily briefings to keep me current on the work of OGC generally. Then as Principal Deputy General Counsel, I assisted the General Counsel in carrying out the duties described above. This included participating in many of the same briefings and maintaining a familiarity with the work of all attorneys in OGC.

5. During my tenure as Acting General Counsel and Principal Deputy General Counsel, OGC consisted of approximately 120 full-time career employees and OGC was organized into seven divisions. Each division reported to a career Assistant General Counsel; the seven divisions then reported to one of three Deputy General Counsel, who reported directly to the General Counsel or Acting General Counsel. In both of my roles, I interacted daily with counsel at all levels in OGC.

The OGC divisions were:

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- a. The Division of Elementary, Secondary, Adult, and Vocational Education (DESAVE)
 - b. The Division of Educational Equity (DEE)
 - c. The Division of Legislative Counsel (DLC)
 - d. The Ethics Division (Ethics)
 - e. The Division of Regulatory Services (DRS)
 - f. The Division of Business and Administrative Law (DBAL)
 - g. The Division of Postsecondary Education (DPE)
6. During my tenure, the attorneys in these divisions performed the following types of work:
 - a. The Division of Elementary, Secondary, Adult and Vocational Education advised on all matters related to elementary and secondary education, including Title I of the Elementary and Secondary Education Act (ESEA) and Perkins Career and Technical Education. This work included consulting on a daily basis (or multiple times per day) with the staff across the Department who operated these programs via phone, email, and in person; reviewing emails from the program staff to states and school districts (and other grantees and subgrantees); reviewing and revising published Frequently Asked Questions documents or other informal, written guidance documents; reviewing and revising scripts or talking points for webinars; advising on the wide range of legal requirements for states and school districts; reviewing Notices Inviting Applications (NIAs), which provide grant application requirements and guidance; and reviewing grant applications, grant

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award letters, and all other formal communication with grantees. In addition, this division worked with the Department of Justice (DOJ) to represent the Department in any administrative proceedings related to K-12 issues, especially grants (such as administrative challenges to withholding or terminating grants), and to advise on any litigation involving the Department regarding K-12 matters.

- b. The Division of Educational Equity advised on all matters related to student civil rights and equitable access to education services, including rights arising under the Individuals with Disabilities Education Act (IDEA), all IDEA grant programs implementing the IDEA, and all statutes enforced by the Office for Civil Rights (OCR), including Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, and the Age Discrimination Act. This work included consulting with the relevant staff across the Department on a daily basis (or multiple times per day basis) on the phone, over email, or in person regarding ongoing civil rights enforcement matters; reviewing and revising all civil rights regulations in all stages of the drafting process; reviewing and revising all informal guidance regarding civil rights in all stages of the drafting process; coordinating closely with OCR and DOJ to advise on issues that could become subject to litigation or were subject to litigation; and advising on civil rights related grant matters—such as reviewing grant applications and reviewing grant award letters—including all aspects of IDEA grant making as well as other grants across the Department that implicated civil rights issues.

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- c. The Division of Legislative Counsel reviewed education-related legislation pending in Congress and coordinated with Department staff to provide written formal and verbal advice to the Department's Office of Legislation and Congressional Affairs (OLCA) and the government-wide Office of Management and Budget (OMB) on legislation related to education.
- d. The Ethics Division ran the Department-wide ethics program. This involved advising individual officials across the Department on their ethics obligations, through phone calls, emails, in-person meetings, individual consultations, guidance documents, webinars, and similar. This included advice to the most senior officials at the Department, including the Secretary, on their ethical obligations. Ethics Division attorneys, under the supervision of the Designated Agency Ethics Official (who was the Assistant General Counsel of the Ethics Division), were the only officials authorized to grant particular kinds of ethics waivers, approval for outside activities, and other such permissions. The Ethics Division attorneys also reviewed all mandated public ethics disclosures (such as Office of Government Ethics 278 forms for officials at certain levels of seniority) and private ethics disclosures, and individually advised all personnel across the Department on these disclosures.
- e. The Division of Regulatory Services advised on and reviewed all regulations across the Department, all related legal guidance (such as Dear Colleague Letters and Frequently Asked Questions documents), was responsible for all documents published in the Federal Register (for both rulemaking and grants), and advised on all other regulatory issues. This included advising program staff across the

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entire Department through phone calls, emails, and in-person meetings; reviewing and revising multiple drafts of all documents; consulting with DOJ on regulatory issues likely to arise in litigation (such as Administrative Procedure Act challenges to regulations and informal guidance) and such issues raised in active litigation.

- f. The Division of Business and Administrative Law provided legal services to Department officials concerning all business management and administrative activities throughout the Department. This included reviewing draft contracts between the Department and a wide range of parties for any services used by the Department. DBAL also represented the Department in administrative proceedings challenging contract matters. DBAL was also the division that advised on internal human resources matters, such as advising on employment and labor issues, including individual advising to managers, advising Department-wide Human Resources on appropriate employment labor practices, drafting and reviewing internal Department policies on hiring, interns, Equal Employment Opportunities complaint processes, and other employment and labor policies, as well as representing the Department in all administrative proceedings related to labor and employment, including before the Federal Labor Relations Authority (FLRA) and other administrative bodies. This division also advised program staff across the Department through phone calls, emails, and in-person meetings on matters related to intellectual property, including copyrights, trademarks, and public-private partnerships. This division also advised on privacy matters, including the Privacy Act and the Family Educational Rights and Privacy Act

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(FERPA). The privacy attorneys advised the Department's Student Privacy Policy Office, which enforces FERPA, on all enforcement matters; and reviewed and revised all regulations, informal guidance, and letters regarding FERPA. The privacy attorneys also advised the entire Department on compliance with privacy laws with respect to any data collection and storage, especially when sharing any information with other agencies and protecting student loan data held by Federal Student Aid as well as data held by OCR.

- g. The Division of Postsecondary Education provided legal services for postsecondary education programs, including but not limited to the Federal Student Aid program, the Office of Postsecondary Education and the Office of the Undersecretary.

7. Based on my experience as Acting General Counsel and Principal Deputy General Counsel, attorneys performed their work by providing direct legal advice to the teams around the Department of Education operating each program. This advice was often given live on the phone, during in-person meetings, over email, or through the process of reviewing and collaboratively revising documents. In my experience, this legal advice was typically applied to specific questions, concerns, or scenarios that arose in the context of a particular grant program, regulation, question from a state or school district, or similar. Those specific questions were handled by attorneys with the corresponding expertise. Each division of OGC required expertise in a distinct legal specialty such that attorneys from different divisions could not easily accomplish one another's work. No handbook or guide could replace the work, or even a type of work, performed by any of the OGC divisions.

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8. In my experience, the attorneys in OGC had deep subject matter expertise and institutional knowledge that allowed them to do their job well. At least one of the attorneys had been in OGC since before the Department of Education was separated from the Department of Health, Education, and Welfare in 1979. Several attorneys had served in OGC for decades. Most of the career Assistant General Counsels in OGC had served at the Department for over a decade. They had deep subject matter expertise in areas of law specific to the Department and the many programs it operates, all of which are authorized under different and complex statutory schemes. This knowledge is not easily replaceable by generalist attorneys, nor can the knowledge of the legal framework for specific Department programs easily be learned by attorneys in other parts of OGC or in other federal agencies. For example, in my experience, an attorney who advises on privacy issues related to the Free Application for Federal Student Aid (FAFSA) does not have the expertise to advise on grant programs under the ESEA, nor could they quickly acquire that expertise.

9. In my experience when I served as Acting General Counsel and Principal Deputy General Counsel, the OGC career attorneys' work was essential to the Department performing its statutorily required functions. For example, the Department is charged by Congress with the distribution of federal education funds to states, for the purpose of supporting local districts and schools. This is not a discretionary function or a broadly defined mandate to the Department. It is set forth in statutory and regulatory terms that are highly specific and not easily interpreted using general legal principles. In addition to deep experience interpreting these authorities, OGC attorneys have established lines of communication with state administrators, an understanding of states' expectations and knowledge base, and familiarity with longtime Department practices with respect to all

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education grants. Without the technical assistance provided by OGC lawyers, these state agencies will be impeded in their ability to deliver federal funds, including funds appropriated in accordance with IDEA and ESEA, to local schools efficiently and on the correct bases. State educational agencies rely on the continuous, nuanced, and expert advice of OGC attorneys to efficiently manage federal education funds. Without OGC attorneys, states will come to varied, contradictory, and in some cases, inaccurate interpretations of the terms of federal education funding, creating a natural basis for litigation by students and school districts.

10. The same can be said of attorneys in each of the OGC divisions. Without legal advice from specialized OGC attorneys, for example, the Federal Student Aid Office (FSA) will be impeded in its ability to effectively manage the contracts for the FAFSA and loan servicers, which must operate in accordance with highly specific federal authorities. Without the support of expert OGC attorneys, individual Department officials will be impeded in their ability to comply with detailed disclosure requirements. In my experience, OGC attorneys assisted the Department in virtually all aspects of the Department's work. OGC's legal work is not performed mainly for the purpose of minimizing legal exposure, as is true of some general counsel work in the private sector. Nor is it performed only occasionally or under unusual circumstances. The Department's key mandates, at their core, require legal analysis and ongoing legal support and advice.

11. As Acting General Counsel and Principal Deputy General Counsel, I also relied on the institutional knowledge and subject matter expertise of experienced OGC attorneys to be able to provide legal advice to the Secretary of Education and senior officials across the Department.

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12. My understanding is that every single person in every division in the Office of the General Counsel was notified March 11, 2025 that they would be fired *en masse*, except for one Deputy General Counsel, attorneys in the Division of Postsecondary Education, and possibly a couple of other attorneys.

13. In other words, my understanding is that every single employee in each of the following divisions was notified that they would be fired: the Division of Elementary, Secondary, Adult, and Vocational Education; the Division of Educational Equity; the Division of Legislative Counsel; the Ethics Division; the Division of Regulatory Services; and the Division of Business and Administrative Law.

Washington, D.C.
March 31, 2025

/s/ Emma Leheny
EMMA LEHENY

Exhibit 7

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

Somerville Public Schools, et al.,

Plaintiffs,

v.

Donald J. Trump, et al.,

Defendants.

Civil Case No. 1:25-cv-10677

Declaration of Rubén Carmona

I, Dr. Rubén Carmona, declare under penalty of perjury, under 28 U.S.C. § 1746, that the following is true and correct:

1. I am Rubén Carmona. I am the superintendent of the Somerville Public Schools (hereinafter “Somerville”) in Massachusetts. I have held this position since 2023. I make this declaration based on my personal knowledge, by Somerville’s business records, and by public records in Somerville’s possession.

2. I have 27 years of experience in K-12 education, including close to two decades as a building leader, Principal Coach and Executive Director of Family, Community and Employee Engagement in the Salem Public Schools. After earning an undergraduate degree in Modern Languages/Linguistics at the Universidad del Valle-Cali in Colombia, I earned Master’s degrees

in Business Administration and Educational Leadership at Salem State College. In 2012, I earned my Doctor of Education in Educational Leadership at Boston College.

3. As Superintendent, my primary responsibility is to support both the central office team and building leaders in continuously strengthening a student-centered community of practice. Achieving this alignment requires daily engagement with all members of the Somerville Public Schools community, ensuring that our core message of high expectations for all remains clear and consistent.

4. Creating the conditions for students and educators to thrive is both a challenge and a commitment that we have embraced as a district. My goal is to drive large-scale improvement to ensure that every student has access to grade-level instruction, is empowered and engaged, and feels a strong sense of belonging.

5. Somerville is fortunate to have a dedicated team of educators, building leaders, and central office administrators who believe in the transformative power of public education. A key part of my role is to maximize resources and operational efficiencies to create the conditions for smooth, effective school operations. I provide executive leadership and strategic direction for all departments, services, and programs while overseeing the implementation of long-range plans for the district.

6. We are currently in the early implementation stages of our strategic plan, developed in collaboration with Somerville staff, to advance our vision for student success.

7. Somerville is a small yet dynamic school district just outside Boston, serving nearly 5,000 students from preschool through 12th grade across 11 schools with the support of approximately 600 full-time educators.

Department of Education Funding

8. During the 2024-25 school year, Somerville operates on a budget of about \$106 million. Of that, approximately 6 percent comes from funds administered by the federal government: about \$3.5 million in federal entitlement grants (including Title I, the Individuals with Disabilities Education Act, or “IDEA,” and Perkins Act funds) through the Department of Education, and another \$4 million in grants for our food program and free school lunches.

9. This funding is vital to ensuring that Somerville can continue to meet the needs of all our students in the district. Federal funds help to pay for at least 28 staff members.

Department of Education Title I, Title II, and Title IV Funding

10. Somerville relies on federal grant programs (including Title I, Title II, and Title IV) to support a wide range of purposes that touches nearly every area of our schools’ work, from teachers’ salaries to textbooks.

11. One of the most important programs under which we receive Department of Education-administered funding is Title I. Somerville receives \$1.1 million dollars in Title I funding.

12. Somerville uses Title I funding to pay for staff, including teachers. These funds support educators (10 reading teachers and three math interventionists are supported in part by these funds), pre-kindergarten educators, tutoring for at-risk students, and professional development designed to help staff maximize their effectiveness.

13. If our Title I funding were cut, delayed, or otherwise impeded, we would be losing funds used to pay staff and fund professional development activities. If we had to lay off staff, that would result in larger classroom sizes. In turn, those changes would have downstream effects, as larger class sizes make it more difficult for students to learn, and may impact our

ability to fulfill federally required Individualized Education Programs (“IEPs”) for our schoolchildren with disabilities.

14. We also use some of our Title I funds to pay for economically disadvantaged children in our preschool program. If our Title I funds were cut, delayed, or otherwise impeded, or if the threat of that impediment remains, then we might have to increase our preschool classroom sizes or raise attendance fees.

15. Our Title I funds also allow us to hold a summer program. Our summer school program typically covers between 100 and 150 students. It allows our educators to help prevent at-risk students from suffering learning loss during the summer; in many cases, we are even able to help those students make academic gains. But if our Title I funding were cut, delayed, or otherwise impeded, or if the current cloud of doubt about the availability of grant funding is not alleviated, then we will face difficult decisions about whether the summer school program can proceed as planned, whether it needs to be cut back, or whether it needs to be cancelled.

16. At Somerville, our summer school enrollment is made up disproportionately of children from lower-income households. Among many other benefits, summer school gives these children access to healthy meals during a months-long period when they otherwise might not have such access. If Somerville cannot run robust summer programs, students would not only fall behind academically; their nutrition and health would also suffer.

17. Students would suffer the most from this loss. But losing summer school would cause harm on our students’ families as well. Many parents of our summer school students rely on us to care for their children during the day so that they can go to work. Title I funding administered by the Department of Education not only makes summer school possible, but it also helps us pay for students’ transportation to and from summer school. Without summer school, or even without

transportation to and from summer school, there would be an enormous hardship on the way our students' families live their lives.

18. Somerville also relies on other federal funds.

19. For instance, we use Title II funds to pay for two classroom size-reduction teachers, in order to keep down our classroom sizes. If cuts, delays, or other impediments to Title II funding occurred, or if the threats thereof continue to linger, we would have to consider either layoffs or not bringing on new staff (or, if we've been forced into layoffs already, we would have to consider not replacing those staff). No matter which of those options we were forced to choose from, we would be left with larger classroom sizes, which would leave students with less one-on-one instructional time.

20. Like some of our Title I funds, Title III funding helps pay for some other school services – specifically, our English Language Learner program, which serves more than 1,200 students. Among other things, these funds help to provide summer services for our English learners. Without access to that program, those students would go without continuity in their language learning for about 10 weeks during the summer, which would cause a huge backslide in their learning.

21. We also receive Title IV funding from the Department of Education. Title IV supports schools in providing opportunities for a well-rounded education for students. One of the ways we use our Title IV funding is to pay for disadvantaged students' enrollment fees in Advanced Placement courses. If that funding were cut, delayed, or otherwise unavailable, we would have to stop paying those disadvantaged students' enrollment fees, which undoubtedly would reduce the number of students who can enroll in Advanced Placement courses. Another way we use the funding is to provide our educators with extensive professional development so they can better

address the social-emotional needs of our students. This includes training in the PBIS Framework (Positive Behavioral Intervention and Supports) and the Restorative Justice program.

Students with Disabilities

22. Our funding through the IDEA is our single largest source of funds coming from the Department of Education. Somerville receives nearly \$1.8 million in federal IDEA funds.

23. We use IDEA funding to pay for 4.4 special education teachers; two social workers; seven paraprofessionals; three board-certified behavior analysts; and a speech language pathologist.

24. Somerville also uses IDEA funds to provide special education students with summer school to prevent educational backsliding, smaller class sizes, and otherwise provide supports for students with disabilities. These funds also help fund professional development for staff; materials, supplies, and equipment for students receiving special education services; equitable services for private school and homeschool children who have disabilities; translation services; and systems that help Somerville manage students' IEPs.

25. Even a small reduction in federal funds of \$100,000 (the equivalent of approximately 1.25 full-time educators' salaries), or any delay in receiving those funds, could impair Somerville's ability to provide special education services to students.

26. IDEA funding is used to comply with IDEA's requirement that students with disabilities be provided a Free Appropriate Public Education ("FAPE"), through a student's IEP. Ironically, then, any cuts, delays, or other impediments to our IDEA funding would leave us in the position of having to provide FAPEs without the federal funding that is designated to help us do that.

Department of Education Technical Assistance and Resources

27. Apart from federal funding, Somerville relies on the Department of Education for technical assistance, guidance, training, and support to effectively support our students. Some of this support comes in the form of guides from the Department of Education that helps us better implement grant related programs, such as the *Guidance on Parent and Family Education Under Title I, Part A*; the *Supporting Homeless and Foster Care Students Under Title I – Quick Reference Guide*; the *Guidance on Providing Equitable Services for Eligible Private School Children under ESSA*; and the *Provisions Related to Children with Disabilities Enrolled By Their Parents in Private Schools*.

28. We rely often on technical assistance from the Department of Education, especially through their Institute for Education Sciences, which is the Department’s independent statistics, research and evaluation arm. For instance, the “What Works Clearinghouse” is a source of research-backed resources for helping schools like ours identify best practices in nearly every area of our work. If the Department’s dismantling compromised our access to that technical assistance – for instance, if the What Works Clearinghouse were unavailable, or even not updated with the latest available research, our ability to provide Somerville’s students with the best possible education would be more difficult.

29. For example, the What Works Clearinghouse recently published research-based practice guides on behavioral interventions in elementary schools, which have helped us in providing coaching and professional development to teachers. We also recently selected a new literacy program. In choosing a program, the Clearinghouse was invaluable in helping us choose a program that was evidence-based and effective. As we work with our math and reading interventionists, we use their intervention reports to help us focus on the most important practices that will most impact students and de-emphasize those that have less of a proven effect.

30. Our spending on professional development materials and services is guided by the Department of Education’s research and recommendations. When seeking new curricula or methods of teaching, the up-to-date research that the Department collects is invaluable in helping us make decisions in line with the best, evidence-based approaches.

31. With respect to serving students with disabilities, the resources from the Department help our district in a variety of ways. Examples include templates for IEP forms; suggestions for high-quality assistive technology; guidance on bullying prevention for students with disabilities; and webinars for helping educators communicate effectively with families through the IEP process.

Federal Financial Aid

32. The district relies on resources from the Department’s Federal Student Aid program to help support students seeking higher education—a core function and mission of our district and schools. Without Federal Student Aid services, including the FAFSA and student loan and grant programs, college would be out of reach for the vast majority of Somerville’s students.

33. As part of our college counseling services, our college counselors and staff rely heavily on materials produced by FSA. These guides, videos, checklists, and forms help our counselors communicate accurately and effectively with families so they can make informed financial decisions about post-secondary education.

34. Our Title I schools have benefited from the Teacher Loan Forgiveness (TLF) Program, providing an incentive to prospective teachers to work in a low-income school. This has been especially useful in recruiting teachers for hard-to-fill positions, such as special education, ESL, math, and science.

Career and Technical Education Funding

35. Somerville also offers robust curricula in career and technical education (“CTE”), of which we are very proud. Our CTE offerings are made possible by Perkins Act funding provided by the Department of Education.

36. For our students who want to enter the workforce immediately after graduation in well-paying jobs, and also for many of our college-bound students, Somerville’s CTE trainings in electrical work, advanced manufacturing, cosmetology, nursing, and many other fields are an invaluable springboard. About 60% of Somerville high school students participate in the program.

37. The Perkins funding that makes all this possible subsidizes, among other things, CTE teaching positions, materials, certifications, and professional development opportunities. If our Perkins funding is cut, delayed, or otherwise impeded, then we would have to make cuts – likely through layoffs or fewer professional development opportunities. Again, those losses would be felt principally by our students.

Department of Education Office for Civil Rights

38. Somerville also will be harmed by the layoffs of staff in the Department of Education’s Office for Civil Rights (“OCR”).

39. OCR creates a number of resources, including guidance documents, FAQs, pre-recorded webinars and webcasts, and resources for drafting policies that comply with civil rights statutes. The district relies on this guidance; it is crucial for helping the district understand how to comply with the law and safeguard civil rights in schools.

40. The district also benefits from OCR’s enforcement and investigatory role – OCR works as a guardrail to help ensure that districts are doing the right things.

How Funding Works and the Effect of Uncertainty

41. The money that we receive from the federal government flows to Somerville through the Massachusetts Department of Elementary and Secondary Education (“the State”). In most instances, this works through a reimbursement process: Somerville spends funds to administer the respective federal program for which it is intended, and afterward, we submit a reimbursement request to the State through an online portal – which the State then pays from its allotment of federal funds. We submit most reimbursement requests monthly; for some smaller requests, we apply for reimbursement less often. Reimbursements typically arrive in our bank account within three business days.

42. The speed with which those reimbursements arrive, and the predictability of that speed, is critical to Somerville’s financial stability: we do not have sufficient financial resources to endure long periods of time without reimbursement, nor do we have the funds that would be required for us to spend money in our budget without knowing when or if we will receive reimbursement for those expenditures.

43. Unfortunately, the President’s and Secretary of Education’s stated goals of dismantling the Department of Education, combined with the Department’s recent layoffs and other steps, have left the Department an unreliable partner for Somerville.

44. Funding uncertainty has a direct and disruptive impact on our budget, particularly when it comes to staffing and program planning. Many critical decisions must be made months in advance. Without clear assurances about funding – which has been historically stable and dependent on the seamless partnership between the federal Department of Education, the State Department of Education, and local school districts – we will be forced to make difficult choices: to proceed as though nothing has changed at the federal level and continue with the expectation of timely funds or to reduce staffing, services, and programming reliant on federal funding.

45. Without timely distribution of federal funds, our district will be less effective and students will suffer. If students fall behind academically – for example, because the district can no longer afford targeted interventions or tutoring for at-risk students, or because class sizes have gotten larger – students will suffer.

46. Eventual restoration of funding would not solve these problems. If Somerville is forced to lay off teachers, we will not necessarily be able to rehire them and would lose significant expertise. And it isn't easy to make up learning loss – as students fall behind, it becomes harder to bring them back up.

47. The threats facing the Department, including the recent layoffs, endanger our students in nonfinancial ways, too. We rely heavily on the Department's technical assistance to provide federally required services to our schoolchildren – such as best practices for correcting students who disrupt class, or the latest research-backed approaches to teaching children with disabilities. Even if that technical assistance were only no longer updated regularly, Somerville would face the loss of new best practices – which, again, would prevent our students from receiving the very best education that we can give them.

48. Finally, I want to be clear about something important. Even without funding cuts, the doubts about the availability of federal funds – and the harms they would visit upon our students – are not the product of guesswork. They are real. And they are already happening. We already do not know whether we will be able to add staff before the 2025-26 school year, or whether we will be able to provide summer school, or whether we will be able to retain staff. And the longer this goes on, the worse the impact will be. The damage will be real, and it will be really hard to fill. Ultimately, without timely and predictable funding, Somerville would be forced to make cuts –including possibly premature cuts – to staff and programs, disrupting services for students and

families. This instability makes long-term planning nearly impossible and weakens the district's ability to provide high-quality education and support.

Final Thoughts

49. I am aware of the March 14, 2025, letter sent to state education leaders by James Bergon, the acting under secretary of education, claiming that the Department of Education's dismantling "will not directly impact students and families." The letter does not provide any facts to support that statement or explanations of how and why school districts can trust that the Department's funding and technical assistance will continue to be delivered as it has been in the past.

50. Somehow, a narrative has developed that the Department of Education usurps communities' authority over their own teaching decisions and buries us in red tape. Those claims are simply not true, and my colleagues and I ought to know. Somerville is in charge of Somerville. Somerville teaches Somerville's students. Somerville decides on the best way to teach Somerville's students. Somerville's educators come to work every day bringing *their* expertise to their classrooms. The federal Department of Education has been a partner in making that happen.

Executed on March 27, 2025.



Dr. Rubén Carmona
Superintendent, Somerville Public School

Exhibit 9

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Somerville Public Schools, *et al.*,

Plaintiffs,

v.

Donald J. Trump, *et al.*,

Defendants.

Civil Case No. 1:25-cv-10677

DECLARATION OF MAUREEN BINIENDA

I, Maureen Binienda, declare under penalty of perjury, under 28 U.S.C. § 1746, that the following is true and correct:

1. I am over eighteen years old, of sound mind, and fully competent to make this declaration. I also have personal knowledge of the factual statements contained herein.
2. I am the Interim Superintendent of Easthampton School District. I have served in this role since July 1, 2023
3. I am a resident of Worcester County and I have 49 years of leadership experience in K-12 education, including service as a Superintendent, Principal, Vice Principal, and Teacher.
4. In my role as Interim Superintendent, I provide leadership for the District and I ultimately take responsibility for all areas of the District's operation. I provide executive leadership and administrative direction for all departments, services and programs, and I am responsible for proposing and implementing long-range plans for the District.

5. Easthampton School District is a pre-K-12 public school district in Easthampton, Massachusetts. The District is governed by a seven-member school committee, which includes the mayor, elected every two years (the mayor serves four year terms).

6. Approximately 1,400 students attend the District's two schools, Mountain View School, which serves students grades pre-K-8, and Easthampton High School, which serves students grades 9-12. The District employs 123 fulltime teachers, and more than 110 education support staff.

Department of Education Funding

7. The District received \$886,776 in federal funding for FY25 from the Department of Education. This includes \$18,595 for early childhood education, \$554,473 for IDEA, \$257,505 for Title I, \$37,297 for Title II professional development, and \$18,906 for Title IV funds.

Department of Education Title I, II, and Title IV Funding

8. The District uses Title I funds to fund three full-time reading specialists, purchase education supplies, and obtain intervention services in the District. Because of Easthampton's poverty rate, the District qualifies for a Title I schoolwide grant, which means that the money can be used to create programming that helps our Tier 1 general education curriculum for all students, not just Tier II curriculum, which targets only students performing below grade-level. Targeted Title I grants must be used on low-performing identified students, whereas a schoolwide grant can support all students. Therefore, the District's reading specialists can be utilized not just for specific students, but to serve all general education classrooms. The instructional methods and materials used by our reading specialists are selected with the benefit of research and recommendations made by the federal Department of Education via resources like the WhatWorks Clearinghouse.

9. The District uses Title II funds to run its professional development programs. The funds pay for professional development, pay mentor teachers and consultants to work with teachers, and provide teacher leadership stipends to run professional development. Our spending on professional development materials and services is guided by the federal Department of Education's research and recommendations. The marketplace for teacher and administrator development is crowded and having access to impartial, objective research and recommendations enable us to pick evidence-based materials and strategies.

10. Title IV funds are used to pay for new programs that support a well-rounded education. The District most recently used the funds to support teacher leadership in new programs, and for a new play-based curriculum for pre-K classrooms.

Students with Disabilities

11. Over 30% of the students in our school district qualify as students with disabilities.

12. The District is using its \$554,473 in IDEA funds for many purposes, including paying staff, training staff on safety, and extended-year summer programming for special education students. It also is used for paying for contracted services, such as extended evaluations, job coaching, and therapeutic services. Additionally, out-of-district tuition, and funds for private and home-school students come from this federal funding. If that funding were impaired or delayed, our District would not be able to provide the same level of services to its students with disabilities. Teacher training, curriculum and guidance on assistive technologies is also supported by this funding.

13. The prospect of federal oversight helps to ensure that the District serves all of the students with disabilities it is required to serve. Regular audits ensure that funds are spent

appropriately, and that students don't fall through the cracks, particularly students moving between districts.

Career and Technical Education Funding

14. Easthampton uses its Perkins funding to support technical training programs for its students, providing four pathways: early education & care; engineering technology; programming & web development, and; graphic design & communications. Approximately 25% of the high school students are enrolled in one of these tracks. Perkins funds support teacher development, supplies, and curriculum materials for the four in-district pathways.

15. Students from Easthampton also have the opportunity to participate in vocational programs offered by Lower Pioneer Valley Educational Collaborative (LPVEC) and Smith Vocational and Agricultural School. Students enrolled in LPVEC vocational programs spend half of the day at Easthampton High School, and the other part of the day at LPVEC. Students who attend Smith Vocational spend their full day at Smith. Easthampton pays tuition for students attending both programs. LPVEC and Smith Vocational both receive federal Perkins funding and if their federal funds were reduced or delayed, the tuition costs for Easthampton students would increase, costing the District more money.

How Funding Works and the Effect of Uncertainty

16. Department of Education funds are passed through the Massachusetts Department of Elementary and Secondary Education ("the State"). The Department of Education utilizes formulas to determine how much money should be distributed to each state and community.

17. After the Department of Education distributes money to the State, the State uses its own state-level data to calculate the amount that goes to each district. The State determines allocations to school districts based on indicators, such as population demographics.

Easthampton writes an application showing how it intends to use the funding allocations, aligning the use with finding goals and restrictions around budget lines. That application is submitted to the State, which ultimately approves it.

18. Department of Education funds are given to Easthampton as reimbursements. The District submits proof of what it spent to the State to request reimbursement. The process for reimbursement is generally smooth, and funds are received approximately seven days after request via wire transfer. The District submits an end of year report, summarizing its use of federal funds to the State. The State then compiles that data and reports it to the Department of Education.

19. Federal funding relies on population census data and poverty levels, which are predictable on a year-to-year basis in comparison to state economic trends and unpredictable events that may require the state to re-allocate its funds.

20. The speed with which those reimbursements arrive, and the predictability of that speed, is critical to our financial stability: we do not have sufficient financial resources to endure long periods of time without reimbursement, nor do we have the funds that would be required for us to spend money in our budget without knowing when or if we will receive reimbursement for those expenditures.

21. At this juncture, the District does not know what the full effect of the Defendants' RIFs and plan to dismantle the Department of Education will have on its federal funding, and the support it receives, creating tremendous uncertainty.

22. Funding uncertainty has a direct and disruptive impact on our budget, particularly when it comes to staffing and program planning. The District plans its budget well in advance of

the fiscal year, allocating funds in a variety of different ways to anticipate upcoming changes so we can better serve our students.

23. Without the certainty of incoming federal funds, particularly IDEA and Title I funds, the District would need to make several detrimental changes to its programming. As providing for special education is a legal requirement, money to support that programming would need to come from the locally-funded operational budget. That would mean cutting personnel and increasing class sizes. It would also mean instituting cuts in the District's discretionary spending, particularly arts, music, extracurricular activities, athletics, and other programs. It would also mean cutting transportation funding, most notably high school busing. There would additionally need to be cuts to professional development programming for staff, hindering the District's ability to support new teachers. If the funding situation got dire enough, the District would also need to close its preschool programming. All of these cuts would have profoundly negative effects on students, staff, and the teaching culture (i.e., pedagogical methods) of the District.

24. Notably, larger classroom sizes have several downstream effects. One particularly troubling one relates to the number of students the school can legally place in each room. If classroom sizes had to increase, schools may be unable to meet local or state requirements regarding maximum classroom occupancy limits and negotiated teacher: student ratios.

25. Larger classroom sizes also make a teacher's job much more difficult. Larger classes means more difficult classroom management, less time for one-on-one instruction, and more time spent grading every assignment and exam, attending every parent teacher conference, and completing evaluations and documentation for every IEP. Larger class sizes can also mean changing nearly every aspect of what a teacher does in the classroom, from their instructional

design and planned projects, to how they structure the classroom (e.g. from collaborative desk set ups to traditional lined desks).

26. Ultimately, loss of funding or funding insecurity would be a teaching and learning problem, the burden of which would transfer to students and parents. As the District experienced during the pandemic, if students go home with a gap in their learning, filling that gap becomes incumbent upon families, who may not be in a position to fill it. This disproportionately affects students and families that do not have resources (money, time, and educational degrees), exacerbating the existing gaps in educational attainment along socioeconomic lines.

27. The District also depends on its quality educators to provide a safe and positive learning environment for its students. There is already a teacher shortage in Western Massachusetts. Making teachers' experiences worse, whether overburdening them on the job, laying them off, or not providing professional development will make that problem worse. The teacher shortage is particularly true for hiring special education teachers and qualified paraeducators. The work is tremendously hard and underpaid; Defendants' actions would fuel that problem.

28. Eventual restoration of funding would not solve these problems. If the District is forced to lay off teachers, we will not necessarily be able to rehire them and would lose significant expertise. It isn't easy to make up learning loss – as students fall behind, it becomes harder to bring them back up.

29. Even without funding cuts, the doubts about the availability of federal funds – and the harms they would visit upon our students – are real and are already happening. We already do not know whether we will be able to add staff before the 2025-26 school year, or whether we will be able to provide summer school, or whether we will be able to retain staff. And the longer

this goes on, the worse the impact will be. The damage will be real, and it will be really hard to correct. Ultimately, without timely and predictable funding, the District would be forced to make cuts –including possibly premature cuts – to staff and programs, disrupting services for students and families. This instability makes long-term planning nearly impossible and weakens the District’s ability to provide high-quality education and support.

Department of Education Office for Civil Rights

30. Easthampton relies on resources provided by OCR to help students and their families. As the civil rights landscape evolves, and new directives are issued, OCR plays a vital role in providing guidance on how to comply with the law and safeguard civil rights in schools.

31. In our District, an issue arose a number of years ago related to racial bias and discrimination in the high school. OCR’s help investigating and rectifying the issue was invaluable, and has ultimately transformed the school’s environment for the better.

32. OCR brought expertise and experience to the issue. Importantly, as an outsider, OCR was better able to resolve competing issues in the school, without raising the kinds of political problems that can arise internally.

33. The training and information gained from OCR has enabled the District to respond to issues with compassion and empathy, rather than punitive measures that were exacerbating tensions within the school. This change at the District level then changed how the students treated each other, creating a healthier school environment that extends to today.

34. After working with OCR, the District created a committee that works collaboratively to address civil rights related issues with a dynamic group of stakeholders, including students, staff, families, and community members. When problems arise, the District

can turn to that committee, as well as rely on the guidance put out by the Department of Education to know how to respond legally and adequately.

35. OCR's insight also helped pave the way for the city to add a Police Department line item for a social worker, which holds weekly office hours in the school to help students and staff respond to difficult situations.

36. If any future issues or incidents arose, the District would continue to rely on OCR for appropriate guidance.

37. Defendants' actions are extremely concerning with regard to not only gutting OCR, but including language indicating that important diversity, equity, and inclusion work may be stymied both nationally and the district level. This would be a terrible setback for our schools.

38. The District also relies heavily on OCR technical support, in the form of guidance for translation assistance to allow its educators to communicate effectively with families of students for whom English is a second language.

39. OCR's technical assistance has made a staggering difference in terms of parent-teacher communication. Resources include guidance, funding, and training for the use of telephonic interpretation and handheld translators. Teachers are now comfortable using these tools, and can translate newsletters and other documents for parents. Because of this assistance, parents have equitable access to become an equal partner in their children's education.

40. More broadly, while OCR enforces legal requirements, these requirements also represent our District's values. These values are essential to making schools effective and safe places for learning.

Final Thoughts

41. I am aware of the March 14, 2025, letter sent to state education leaders by James Bergon, the Acting Under Secretary of Education, claiming that the Department of Education’s dismantling “will not directly impact students and families.” The letter does not provide any facts to support that statement or explanations of how and why school districts can trust that the Department’s funding and technical assistance will continue to be delivered as it has been in the past.

42. The claim that the Department of Education usurps communities’ authority over their own teaching decisions and buries us in red tape is simply not true. Easthampton decides the best way to teach our students. Easthampton schools have always had control over their curricular and instructional decisions. Easthampton’s educators are in the classroom every day bringing their knowledge and expertise to ensure the best outcomes for our kids. The Department of Education was a key partner in making that happen.

43. Everything needs a structure to stand strong. The Department of Education provides that structure. Removing that structure will affect all school districts and the state. Without guidance flowing from the federal government, this three-level partnership, which works well, ceases to exist.

Worcester, MA
March 31, 2025

/s/ Maureen Binienda
NAME

Exhibit 10

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

Somerville Public Schools, et al.,

Plaintiffs,

v.

Donald J. Trump, et al.,

Defendants.

Civil Case No. 1:25-cv-10677

Declaration of Rachel H. Monarrez, PhD

I, Dr. Rachel H. Monarrez, declare under penalty of perjury, under 28 U.S.C. § 1746, that the following is true and correct:

1. I am Dr. Rachel H. Monarrez. I have served as superintendent of the Worcester Public Schools (hereinafter “Worcester”) in Massachusetts since July 2022. I make this declaration based on my personal knowledge, by Worcester’s business records, and by public records in Worcester’s possession.

2. In addition to a bachelor’s degree from the University of California, Irvine, I hold a master’s degree and a Doctorate of Philosophy in Education degree from Claremont Graduate University, with an emphasis in Urban Leadership.

3. My work as an educator began 31 years ago, as an English immersion elementary school teacher for the Pomona Unified School District in Los Angeles County. Since then, I have held many leadership positions in public education, including overseeing English Learner programs, Special Education programs, principal positions in two different elementary schools, and assistant and deputy superintendent positions. Shortly before the 2022-23 school year began, I was named superintendent of the Worcester Public Schools.

4. Worcester serves an enrollment of about 25,000 students from pre-kindergarten through 12th grade at 44 different schools with the help of about 3,000 full-time educators and 2,000 support staff. Our students come from diverse backgrounds: about 46 percent of Worcester's students are Latino (compared to about 26 percent statewide), and more than 18 percent are Black (compared to 10 percent statewide). This school year, we have 10 students who identify as nonbinary. About 71 percent of our schoolchildren are designated as coming from "low-income" homes; nearly 23 percent have Individualized Education Programs ("IEPs") through the Individuals with Disabilities Education Act ("IDEA"); and about 32 percent are English Learners.

5. As superintendent, my job is to foster a culture of equity, academic excellence, and high expectations for all learners. That means I am responsible for the following core functions:

- Setting and monitoring a strategic vision, policies and overseeing curriculum to improve student outcomes.
- Ensuring financial stewardship by managing budgets, financial compliance, and seeking funding to support district operations.

- Overseeing personnel and providing leadership through hiring, evaluation, and professional development of staff and providing support to principals.
- Serving community engagement and communicating as the district's spokesperson, building relationships, and addressing community concerns.
- Ensuring operational management, monitoring regulatory compliance, managing facilities, and leading crisis response efforts.

6. Plans to “dismantle” the U.S. Department of Education – and the steps that have already been taken in that process – would cause great harm for Worcester Public Schools.

Department of Education Funding

7. My position as superintendent also gives me a great deal of insight into how Worcester relies on federal funding administered by the U.S. Department of Education. For the 2024-25 school year, we are receiving more than \$29 million in funds administered by the Department of Education, and we rely on every penny of it. The sources of those funds include Title I, Title II, Title IV, the IDEA, and the Perkins Act.

8. Generally, the way that we receive federal funds is to expend funds from our operating budget and then to seek reimbursement for the expenses that are eligible for federal funding. We apply for these reimbursements through an online portal overseen by the Massachusetts Department of Elementary and Secondary Education. We regularly submit reimbursement requests; our work never stops, and neither do the needs that Worcester’s federal funding addresses.

9. In the past, this has been a reliable process for us. Accordingly, we have been able to carry out critical, federally funded programs and services without any doubt as to whether we will be reimbursed quickly. The administration's plan to dismantle the Department of Education has thrown that predictability and the consistency our students deserve into question.

Department of Education Title I, Title II, and Title IV Funding

10. Worcester's high enrollment of students from "low-income" households make us eligible for Title I funding – a critical support for the services that we provide students. For the 2024-25 school year, Worcester is receiving \$14.5 million in Title I funds, which we use for many purposes: teacher training and curriculum development, just to name two.

11. It is more expensive to educate children from low-income households than it is for children from more affluent households. Our high enrollment of children from low-income homes means that we rely heavily on Title I funds to educate our students – and in turn, they rely on it too. Worcester's Title I funds pay for 133 positions, most of whom are instructional coaches and wraparound coordinators. Worcester has 50 schools and sites; we have placed at least one focused instructional coach and wrap around coordinator at each school or site.

12. The instructional coaches funded by Title I support the improvement of our teachers' instruction. They work with teachers on training, offer pedagogical support, and assist with curriculum development. Their work benefits general classrooms, special education students, and English Language Learners.

13. Our Title I-funded wraparound coordinators work with the community, families, and schools to find ways to bring much-needed resources to families; For example, a wraparound coordinator might assist a family with applying for SNAP benefits or Medicaid. By meeting nutritional and medical needs of school-age children, we enable them to come to school ready to learn. The wraparound coordinators also strengthen our connections with families, which in turn strengthens Worcester's connections with our students.

14. The most effective and efficient way to spend resources is when they are predictable and consistent. Given the Title I grant funds 133 positions in Worcester, if the reimbursement were interrupted, it would be very difficult to fund these positions as the district would not have other abilities to provide funding. Unpredictable funding creates ineffective and inefficient spending.

15. Worcester also receives about \$1.1 million in federal funding through the Department of Education under Title II, which supports schools in training and recruiting high-quality and effective educators. Title II funding makes it possible for us to provide low-income and minority students with greater access to talented teachers.

16. Worcester's Title III funding, which supports our work with English learners, totals about \$1.3 million. We use Title III funds to provide effective English classroom instruction, developing programs tailored to our English learners, and professional development. Our Title III funds also pay for instructional coaches and supplemental programs, both after school and during the summer to extend learning and prevent learning loss.

17. Another stream of federal funding that Worcester receives from the Department of Education is funding through Title IV, for which we receive about \$944,000. The Department provides Title IV funds to promote a well-rounded education. Worcester uses Title IV funds to keep our schools safe and healthy. For example, we use some of our Title IV funds to pay for crisis response training with the I Love U Guys Foundation.

Students with Disabilities

18. Worcester relies heavily on IDEA funds to serve our 5934 students who have disabilities. During the 2024-25 school year, the Department of Education is providing Worcester with \$8.4 million in IDEA funding.

19. The funds that Worcester receives from the Department of Education under IDEA are particularly important because of our legal obligation to provide a Free Appropriate Public Education (“FAPE”) to each of our students with disabilities. To meet that requirement, we use IDEA funds to tailor our instruction methods to the individual needs of students with disabilities. IDEA funding supports salaries and benefits for 176 paraprofessionals (such as instructional assistants and classroom aides, both of whom provide direct support for students every day) and two program support positions (a data analyst and a data quality specialist).

20. IDEA is a federal law and services must be provided for our most vulnerable children. The district relies on IDEA 176 classroom aide positions in Worcester and to meet the federal laws. These classroom aids provide direct instructional assistance to students with disabilities. If the reimbursement were interrupted, it would be very difficult to fund these positions as the district would not have other abilities to provide funding. Unpredictable funding creates ineffective and inefficient spending and a potential break in student services.

Career and Technical Education

21. Our career and technical education program offers students a wide range of tracks from which they learn hands-on skills. For this, we rely heavily on federal funding from our Perkins Act grant.

22. For the 2024-25 school year, Worcester's Perkins Act grant is \$600,000. That money funds three career instructors at our technical high school as well as equipment purchases throughout the year. It also specifically funds at least 21 different vocational tracks, including animal science, cosmetology, allied health, biotechnology, programming and Web development, robotics, plumbing, automotive, and hospitality management. The quality of our CTE program and the wide range of tracks available are made possible by federal funding through the Perkins Act.

23. Although many of our college-bound students also participate in career and technical education, many students participate because they plan to enter the workforce immediately after graduation. Any impediments to funding for CTE would harm all the program's students, of course, but the impact would fall particularly hard on students who are relying on these lessons to prepare for future employment.

Department of Education Technical Assistance and Resources

24. The Department of Education also is a source of invaluable technical assistance that we rely on to invest our federal, state, and local dollars wisely. This technical assistance enables us to develop our professional staff; to find and implement new methods of instruction, and; to plan curricula and activities that will prepare our students to be future citizens of the country and the world.

25. Some of the technical assistance Worcester receives from the federal Department of Education flows to us through the Massachusetts Department of Elementary and Secondary Education. The MDESA's federal liaison is a great resource for us, with direct answers to questions ranging from legal updates to allowable uses of federal funds. Some of that assistance comes in the form of short reference guides, and sometimes it comes from a phone call. Either way, all that knowledge comes from the Department of Education's technical assistance, and we rely on it in each of the 19 departments that make up Worcester Public Schools administrative core. My staff speak with that federal liaison at least once per month.

26. That technical assistance is particularly helpful concerning Titles I through IV. Those programs serve broader, more diverse populations – so it takes even more work to be sure that we act in compliance with federal law. We rely on technical assistance to understand how to fill out applications correctly; how to confirm that we are spending federal funding in compliance with federal law; and how to do it all in a fiscally responsible manner.

27. Worcester relies on this technical assistance throughout the year. It doesn't just come to us all at once. We rely on it continuously, because the needs, challenges, and questions that arise are every day.

28. We also regularly use reports and data from the Department's Institute of Education Sciences (IES) as we evaluate curricula, instructional methods, professional development, student supports, and more. The Department's research and analysis identifies best practices and key data about every aspect of classroom, school, and district programming and management. The Department's work is an essential resource. We could never replicate the breadth and depth of this work ourselves.

29. If the Department's research – the work of IES or the What Works Clearinghouse – were no longer available or were not kept current, the loss to school districts like Worcester would be irreparable for two reasons. First, the world is constantly changing as is the future of the workplace and we need to innovate to keep pace; second, with each student and class year in the district, we have a limited window of time to achieve results. So we are continuously thinking about ways to improve our schools. The Department's research not only helps us understand what types of innovation are effective – that body of data and analyses is continuously growing and reflecting changes in the world.

30. This technical assistance is particularly important as we look to the future. For the last 100 years, schools and learning environments have been largely unchanged. But education is on the cusp of major change driven by breakthroughs in science and technology. Rapid advancements in neuroscience and the development of artificial intelligence present extraordinary possibilities for education. Worcester will need access to independent, evidence-based assessments of new technology and pedagogical methods that integrate fast developing science and technology into individualized learning plans, classrooms, and educational systems.

31. Technical assistance from the Department of Education is essential in designing our CTE curricula, too. We rely on the Department to provide information about national and global economic, demographic, and social trends, so that we can effectively prepare our students to enter emerging and robust occupations. Our CTE program is designed to equip students with the skills they'll need in the next 5-10 years and beyond, and we use Department of Education information to determine what those pre-requisite and graduate skills will be. Without that information and forecasting, we wouldn't be able to develop responsive CTE programs.

Federal Financial Aid

32. Worcester takes very seriously our role in helping students prepare for whatever their plans after graduation, including college. The Worcester Public Schools (WPS) College and Career Department provides comprehensive support to secondary students as they explore postsecondary pathways. Guidance counselors assist with college and career planning, standardized testing (ACT, SAT), financial aid, scholarships, and other essential high school guidance services. The College and Career Department is an enthusiastic partner of the GEAR UP Massachusetts program in the effort to increase the number of low-income students who are prepared to enter and succeed in postsecondary education without the need for remediation. GEAR UP Massachusetts leverages federal resources to increase the college and career readiness and financial literacy of the low-income students and families.

33. Our work preparing students for college relies heavily on resources from the Department, such as how-to guides on assisting students filling out the FAFSA.

33. Worcester supports our instructional staff by completing loan forgiveness programs for all full time eligible staff members. We review this information during orientation as well as periodically and continue to complete all forms as they come in.

Department of Education Office for Civil Rights

34. Among the most harmful positions cut by the RIF are the layoffs of staff in the Department of Education's Office for Civil Rights and the closure of several regional offices.

35. Worcester relies regularly on OCR resources. OCR publishes the What Works Clearinghouse, of which Worcester has used routinely in the past to understand our legal responsibilities to our students. Our ability to rely on guidance from the Department enables us to put money that might be spent on legal fees and compliance advising toward services for our students.

36. Prior to the changes at the federal level, Worcester would utilize various resource guides to ensure we were protecting the rights of our students; however, a variety of those guides have been removed from the website.

The Effect of Uncertainty

37. Since the Department announced its massive reduction-in-force on March 11, 2025, we have sought answers repeatedly concerning how these layoffs – and the larger “dismantling” that has been threatened – will affect us. We have tried getting answers from the federal liaison at the Massachusetts Department of Elementary and Secondary Education. Although he is typically very informed, he has been able to offer no answers or clarity. Mostly, my staff and I feel like there is no information coming through, which has caused concern and confusion. The Department has not offered any solid information.

38. Federal involvement in public education has been a huge benefit to the children of Worcester. It is difficult to understand how massive, sudden loss of personnel at the Department will not affect the delivery of services – funding and technical assistance – that Worcester depends upon. This is particularly so because the President and Secretary of Education have both stated an intention to end all federal involvement in public education. Their words and actions have created a climate of doubt under which we are unable to plan for the future with the reliability that our work requires.

39. Delays or disruptions in federal funding, and especially Title I or IDEA funding, would force Worcester into difficult decisions and tradeoffs, in order to stay within our budget. Delays or disruptions in funding could lead to reduced services and cutbacks in classroom personnel.

40. We are currently completing our 2025-26 school year budget process. Staff, who are federally funded, are preparing to continue their work and we are unclear if we will need to make a rapid shift. This rapid shift would impact direct services to children with special needs and classroom support positions.

41. The uncertainty is being felt in the community. Care-givers and community members are wondering what will happen to services and programs if the federal funding is stopped. The uncertainty leads to a feeling of fear and vulnerability which in a community such as Worcester will have a devastating impact on overall confidence in public education and the public good.

Executed on March 29, 2025.

A handwritten signature in dark ink, appearing to read "Rachel Monarrez", written over a horizontal line.

Rachel H. Monarrez, PhD

Superintendent, Worcester Public Schools

Exhibit 11

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Somerville Public Schools, *et al.*,

Plaintiffs,

v.

Donald J. Trump, *et al.*,

Defendants.

Civil Case No. 1:25-cv-10677

DECLARATION OF DANIEL McNEIL

I, Daniel McNeil, declare under penalty of perjury, under 28 U.S.C. § 1746, that the following is true and correct:

1. I am over eighteen years old, of sound mind, and fully competent to make this declaration. I also have personal knowledge of the factual statements contained herein.

2. I am General Counsel of the American Federation of Teachers. I have served in this role since July 2023.

3. In my role as General Counsel of the American Federation of Teachers, I engage in the day-to-day supervision of all legal matters for the AFT, ensure the union is in compliance with our ongoing legal responsibilities, and serve as a core member of the AFT management team.

4. I base the facts in this declaration on my own personal knowledge, on AFT's business records, and on publicly available records within AFT's possession.

5. The AFT was founded in Chicago, with eight locals signing on as AFL President Samuel Gompers welcomed the union into its fold in 1916. It grew quickly and now boasts almost 3,500 local unions and over 1.8 million members who work in every U.S. state, the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands.

6. Five divisions within the AFT represent the broad spectrum of AFT's membership: pre-K through 12th-grade teachers; paraprofessionals and other school-related personnel; higher education faculty and professional staff; federal state and local government employees; and nurses and other healthcare professionals.

7. The AFT's mission is to champion fairness, democracy, and economic opportunity in and through high-quality public education, as well as healthcare and public services for students, their families, and communities their members serve. The AFT does so by ensuring its members receive fair pay and benefits for their crucial work, by fighting for safe working conditions that also benefit students, patients and all those who use public services, by providing professional development and resources to member educators to improve student achievement, and by fighting for civil rights.

8. The AFT believes that high-quality public education is an economic necessity, an anchor of democracy, a moral imperative and a fundamental civil right. Without the foundation a strong education provides, our other rights can never be fully realized. We believe in and stand ready to fight for public education because it is the means by which we help all children dream their dreams and achieve them. All children—those who have abundant advantages, and those for whom every day is a struggle; those who worry about getting into a good college, and those who worry about their parents getting deported—deserve the opportunity to succeed. The people who

work in schools help students build lives of great purpose and potential by instilling essential knowledge and skills, including critical reasoning, problem solving and the ability to work with others, and by promoting civic participation.

American Federation of Teachers Members

9. AFT Public Education is the union's oldest and largest unit. It has more than 1 million members and encompasses both the AFT Teachers division and the AFT Paraprofessionals and School-Related Personnel (PSRP) division. AFT Higher Education encompasses over 400 affiliates across the United States which collectively represent approximately 400,000 academic workers (full-time and part-time faculty, academic professionals and graduate employees) at public and private colleges and universities in all 50 states.

10. AFT members occupy a broad range of positions in education, including but not limited to: pre-K through 12th-grade teachers, early childhood educators, classroom aides, counselors, school nurses, paraprofessionals, and other school-related personnel; higher education faculty and professional staff at community colleges, colleges and universities.

11. AFT members work in K-12 or higher education professions in every state, the District of Columbia, Guam, Puerto Rico and the U.S. Virgin Islands. AFT represents some of the largest local school districts, like: New York City (over 130,000 members), Chicago (over 26,000 members), Los Angeles (over 33,000 members), and United Teachers of Dade (almost 15,000 members). AFT also has locals that represent only a few dozen employees: University of Idaho Federation of Teachers (78 members), Plaquemines Federation of Teachers (190 members); University of Kansas Graduate Teaching Assistants (146 members); Cleveland Alliance of Charter

Teacher and Staff (75 members). As such, AFT members are present in almost every type of educational institution nationwide.

12. The recent RIFs at the Department of Education have hollowed out a significant amount of its capacity, particularly but not limited to the Office for Civil Rights, Office of Special Education and Rehabilitative Services, Office of English Language Acquisition, offices that managed the operations of grants, offices that developed clearinghouses of information on best practices for educators, and more. The RIFs threaten the Department of Education's ability to carry out its statutory services, which tens of thousands of schools and millions of teachers rely on.

13. President Trump's March 20, 2025, Executive Order confirms that Defendants' plan to close the Department of Education.

14. Without an effective Department, teachers, including AFT's many members, will be harmed. AFT, AFT affiliate local unions, and AFT members are directly impacted by a number of programs administered by the Department of Education and would suffer considerable harm if the Department of Education cut or ceased operations. Indeed, many of them are already suffering significant harm from the recent RIFs.

Effect of Defendants' Actions on AFT Members

Educators rely on the Department's effective and timely distribution of Title I funds

15. Funds provided by Title I of the Elementary and Secondary Education Act (ESEA) support educators in school districts with high percentages of children from low-income families. Title I exists to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps. Title I funds are used in a variety of ways to support economically vulnerable students and to improve academic outcomes and address inequities in education.

16. Many teachers rely on Title I funds for their jobs. Eligible school districts have some flexibility in how they use Title I funds, but schools use the majority of their Title I spending to pay for staff. Schools also use these funds to hire other personnel such as paraprofessionals, instructional coaches, parent and community liaisons, technology support staff, and English language specialists. Indeed, schools often designate educators as holding Title I positions.

17. Nearly two-thirds of the nation's public and charter schools are eligible for Title I, Part A programs, totaling over 99,000 schools. A majority of AFT K-12 and PSRP members are employed by schools that receive Title I funds.

18. If Title I funding were cut, eliminated, delayed, or otherwise impeded, or it is not properly administered (such as by subject-matter experts who understand the needs of students whom Title I benefits, or who can advise schools on permissible uses of Title I funds), schools and districts could not rely on those funds for pay teacher salaries and would be forced to cut staff.

19. AFT members will be harmed due to exacerbated workforce shortages, increased workloads, and job losses. For example, larger classroom sizes would harm teachers as well as students by increasing teachers' workloads and reducing their ability to provide individualized attention to each student.

20. Smaller class sizes also lead to better academic outcomes and students in smaller classes outperform students in larger classes on both standardized and curriculum-based tests. Students from smaller classes are more likely to graduate from high school on schedule and less likely to drop out; more likely to have enrolled in honors classes and to graduate in the top 10 percent of their class; and more likely to take SAT or ACT exams, indicating that they plan to go on to college. Further, smaller class sizes significantly improve the outcomes for students in high poverty schools. In contrast, students in classrooms with larger numbers experience more

disruption and disciplinary issues and less personalized instruction, which negatively impacts education outcomes.

21. Even with current Title I funding, schools and educators nationwide (including AFT members) are grappling with unmanageable workloads. For example, AFT members regularly work in classrooms with far more than the 15-19 students AFT recommends, and AFT members across the country regularly engage in collective bargaining and other advocacy seeking to reduce class sizes.

22. Cutting, eliminating, delaying, or otherwise impeding Title I funds, or failing to administer the program properly, will only make it more difficult for school districts that rely on these funds to adequately staff schools. Students would also be harmed as they would likely experience disruptions in access to highly qualified Title I teachers and their skills, thereby exacerbating, rather than addressing as Title I was intended, existing equity issues and deepening disparities in academic outcomes by income.

23. Our members who work at schools with Title I assistance also receive technical assistance and other support from the Department of Education for Title I schools through the publication of data and research, and the publication of guidance and policy documents such as Dear Colleague letters.

24. If this support ceased, our members would have fewer resources to receive information about federal programs, policies, and best practices. This would harm AFT members, who would have fewer tools and resources with which to do their jobs, and would harm students.

Special education teachers and other professionals rely on the Department for guidance and technical assistance and effective and timely distribution of IDEA funds

25. Under Part B of the IDEA, more than \$15 billion is distributed annually to support 7.4 million students, or roughly 15% of public-school students, to receive the special education

and related services necessary to provide children with disabilities a free, appropriate public education (“FAPE”) as required by federal law.

26. AFT members include special education teachers, school counselors, paraprofessionals, school nurses, speech therapists, occupational therapists, and other support staff for special education services whose positions are funded, in whole or in part, with IDEA funds.

27. A significant number of AFT Public Education locals represent workers who are employed by school districts that receive IDEA funds.

28. Delays or problems disbursing IDEA funds will harm AFT members through exacerbated workforce shortages, increased workloads, and job losses. School districts would still be obligated to provide a FAPE to students with disabilities by law. But without reliable IDEA funds, they would have less money with which to provide those services, meaning money would either have to be reallocated away from other areas to maintain services, services would be reduced, and/or expectations would be placed upon fewer educators to provide the same level of services. These harms become self-reinforcing, when there are fewer staff and higher workloads, there is higher turnover, which leads to even fewer staff, even higher workloads, and fewer resources. This can mean there are not sufficient staff to satisfy FAPE standards, which can lead to potential legal liability for a school district.

29. IDEA funds allow schools to provide students and teachers who support them with critical support that they often would not be able to receive elsewhere. For example, in Louisiana, IDEA funds allow AFT members to service children with mental health disabilities. Louisiana’s community mental health centers are overwhelmed; therefore, many Louisiana schoolchildren with mental health disabilities receive services at school through IDEA or do not receive services at all.

30. In Ohio, a school counselor (who is an AFT member) works at a school that uses IDEA funds to support the school counseling program. The school counselors' caseloads are already significantly higher than American School Counselor Association recommendations; and if IDEA funds were cut, eliminated, delayed, or otherwise impeded, or if they were administered improperly, the already tenuous school counseling program would lose what little resources it has to support the program (and the counselors employed in the program).

31. An AFT leader in Connecticut works in a district that currently has numerous vacancies, resulting in very high caseloads for psychologists and speech pathologists and high class sizes for students with complex needs. A 2023 study of the district's special education staffing by a committee of union and district personnel found that the district was currently spending \$8 million short of what would be considered good practices and recommended hiring substantially more staff as students' needs were not being met. If IDEA funds were not properly distributed, these existing shortfalls would be drastically exacerbated, further harming students.

32. Failure to properly distribute IDEA funds would result in systemic violations of federal law as schools would be unable to provide a FAPE to students with disabilities as required by the IDEA. School districts that rely on these funds would not be able to provide the specialized instruction, evaluations, and related services required by students' IEPs. These harms would disproportionately fall on students with high-incidence and complex disabilities as they would not receive the level of staff attention that they require under their IEPs.

33. AFT members receive guidance and technical support from the Department of Education on implementation of the IDEA, including from the Office of Special Education Programs (OSEP) publication of policy letters and policy support documents. Many AFT members

who help develop statutorily mandated plans to help support students with disabilities rely on guidance made possible by the Department of Education staff who prepare those materials.

34. For instance, the onset of the COVID-19 pandemic, when many schools paused in-person instruction to protect the health of their students, created massive uncertainty amongst educators and school districts about the applicability of various laws, including the IDEA, to these novel circumstances. The Department of Education's Office of Special Education Programs published various guidance documents that clarified for school districts and educators their obligations with regard to providing a FAPE to students with disabilities and evaluation and assessment timelines during school closures.

35. OSEP and OSEP-funded Technical Assistance Centers publish essential resources on legal compliance and best practices on a number of subjects including developing an IEP, bullying prevention, accessibility, student confidentiality, and staff professional development and retention. AFT members utilize these resources to improve the educational services they provide to their students and to advocate for improvements at their schools.

36. Removal of these supports would harm AFT members throughout the country by limiting access to information and guidance on best practices for improving educational access and opportunities for students with disabilities and complying with relevant anti-discrimination laws.

37. Many of its members also rely on IDEA-funded specialized equipment students need to access their education, such as text-to-speech devices, Braille displays, and talking calculators. For instance, an AFT member who teaches special education in Pennsylvania relies on specialized equipment such as enlarged print readers, adaptive seating, walkers, and supine tables to ensure his students are able to access education. Losing these tools would have a

devastating effect on teachers, students, and their families as educators would not have the essential tools necessary to provide students with disabilities the quality education to which they are entitled.

Educators rely on the Department to provide career and technical education for students

38. The Department of Education funds career and technical education (CTE) programs through grants under the Carl D. Perkins Career and Technical Education Act.

39. AFT has many members who are employed in schools that receive CTE grants and work as CTE educators for pre-apprenticeship programs.

40. For instance, Breithaupt Career and Technical Center in Detroit, Michigan, where educators are represented by the Detroit Federation of Teachers, an AFT local affiliate, offers five career pathways for students in grades 10-12 in culinary, cosmetology, automotive, welding, and mechatronics. Students can earn essential micro-credentials necessary to transition to their career pathway of choice.

41. And in Ohio, Toledo Federation of Teachers, a local affiliate of AFT, coordinated with the Board of Education and the Northwest Ohio Building Trades Council to create a program that would pre-train Toledo students with micro-credentials and skills that would allow them to transition directly into construction and apprenticeship positions. Ten percent of all job positions at participating companies are made available to students participating in the program.

42. Failure to administer CTE grant funding, or delays in that funding, will harm AFT members by reducing the available funds for schools to hire essential CTE educators—thereby reducing jobs for AFT members. Problems with administering those grants would also lead to an inability to invest in essential CTE classroom supplies for programs like Digital Literacy and

HVAC. Students would then be unable to learn essential skills and earn microcredentials that set them up for success in their chosen career pathway.

43. CTE programs play a vital role in providing students with essential skills and knowledge for particular careers or industries and providing students with paths to employment other than four-year colleges and universities. Any reduction in the availability or quality of CTE programs would reduce the economic opportunity of the students AFT members serve and would harm the broader U.S. economy by reducing the number of qualified workers in essential labor markets.

Educators rely on the Department for training, professional development, and to build a pipeline for future educators

44. Funds provided by Title II of the Higher Education Act support teacher education programs, including the Teacher Quality Partnership Program (TQP), which fund high-quality teacher preparation and professional development. Current and future AFT members receive training under these programs in order to prepare for jobs in K-12 education, and many AFT members serve as paid faculty and staff for these training programs.

45. Illustrative examples of programs supported by the Teacher Quality Partnership Program are:

a. The University of St. Thomas in St. Paul, Minnesota, received funding to prepare 80 new educators and expand an existing partnership with Minneapolis Public Schools to provide 75 residency graduates multi-tiered induction supports for retention and advanced professional development to prepare for leadership roles. The AFT represents teachers and education support professionals in Minneapolis Public Schools through our affiliate, AFT Local 59 Minneapolis Federation of Teachers.

b. CUNY Lehman college received funding to design and implement a teacher residency program to prepare highly qualified secondary Special Education/content teachers and early childhood/elementary bilingual teachers, with the additional goals of providing high-quality professional development activities to strengthen the content and pedagogical knowledge of Residents. The AFT represents teachers and paraprofessionals through our affiliate AFT Local 2 United Federation of Teachers. The AFT also represents faculty and professional staff at Lehman College through our affiliate AFT Local 2334 the Professional Staff Congress - CUNY.

c. Miami Dade College and Miami Dade Public Schools received grant funding to recruit, train, and place 180 well-prepared teachers in high-need schools to address the problem of teacher shortages and improve student success. AFT represents full time faculty at Miami Dade College through our affiliate United Faculty of Miami Dade, AFT Local #4253 and K-12 teachers in Miami Dade Public Schools through our affiliate the United Teachers of Dade, AFT Local # 1974.

46. The Department of Education also administers other grant fund programs, such as Supporting Effective Educator Development (SEED) grants and Teacher and School Leader Incentive Program (TSL), which seek to provide teacher training, improve student outcomes, and address teacher shortages. These grants benefit educators, including AFT members, and the students they serve.

47. As an illustrative example, an AFT member who teaches history in Connecticut received SEED grant funded professional development training in civics education through the James Madison Legacy Project. Because of this training, he now guides his students through the We The People experiential civics program where his students engage in deep non-partisan

learning about the Constitution and develop debate skills. This AFT member has also since become a mentor to other teachers in the program.

48. Teacher training programs are resource intensive and require months, if not years, of planning and coordination to put together. Indeed, teachers generally need to sign up for this programming several months in advance. If there is no one working at the Department to administer this program, or if funding is delayed, these programs will not be able to secure a location, staff, and participants, and programs will either be postponed or cancelled. As a result AFT's PreK-12 teacher members will lose a significant source of professional development funding and high-quality mentorship opportunities.

AFT members rely on the Department for student loan services

49. A large number of AFT members have benefitted from the student aid program through federal student loans as most of the jobs held by AFT members require at least some postsecondary education. AFT members utilize various repayment programs and rely on FSA's guidance to make decisions about their loan payment. Thousands of AFT members are also enrolled in Public Service Loan Forgiveness (PSLF), a program that provides loan forgiveness to borrowers who make student loan payments for 10 years while working for a qualifying public service employer, such as a public school, a public or nonprofit college or university, or non-profit healthcare provider (all common employers of AFT members). Approximately 75% of AFT members work in roles that are eligible for PSLF. On a December 2024 survey, nearly 12,000 AFT members indicated that they had started the PSLF process and over 5,800 members indicated that they had completed the PSLF application.

50. These AFT members stand to suffer from the massive layoffs at the FSA, which will cripple student loan servicing and PSLF application and payment processing. For example,

one member shared that if she does not have access to income-driven repayment (IDR) system and PSLF, she will have to default on her student loans or declare bankruptcy. Another member stated that without access to IDR systems, she cannot lower her monthly payments, which is preventing her from refinancing her mortgage. Another member stated that because her PSLF application has not been processed, she has not been able to save for retirement, contribute to her child's college savings fund, or purchase a higher life insurance policy.

51. Additionally, AFT has made substantial investments in supporting members with student debt. AFT has for over a decade helped guide members burdened by student debt, through services including the Student Debt Clinic. In these clinics, led by AFT staffers, members are educated about Income-Driven Repayment and PSLF programs, which when utilized together can result in substantial savings on student loan payments. Follow-up support is also provided to members after these clinics, which often requires a forensic investigation of the borrower's loan disposition.

52. Thanks to a close relationship with the Office of the Federal Student Aid Ombudsperson, we have often been able to find solutions that allowed long-time borrowers to count their time in public services towards PSLF forgiveness. However, since March 11, 2025, those employees are no longer employed at the Department, and we are left without a significant resource to help our members with their student debt burdens.

53. Additionally, in creating these clinics and providing these services, AFT relies heavily on other technical assistance provided by the Department of Education, such as guidance documents and loan repayment simulators. Without these materials, AFT will not be able to provide these services effectively. As a result, AFT members will suffer as they will be less able

to make informed decisions about repayment resulting in higher payments to resolve their student loan debt.

54. Since August, 2016, AFT has recorded 940 student debt clinic events to which over 26,000 people have registered. The estimated time commitment for AFT staff in running the debt clinic program is 2.5 Full Time Employees. In total, AFT has dedicated tens of thousands of dollars and over two thousand hours of valuable staff time toward helping its members with their student loans.

55. These loan forgiveness programs are vital to encouraging individuals to become teachers and stay in the profession (and thereby become and stay AFT members). Without the effective operation of these programs, AFT would likely lose members.

56. As a result of the RIFs in FSA, AFT has already reprioritized a significant amount of time and resources to help members understand and navigate changes at FSA and support member borrowers who are rightfully concerned that paperwork filed months ago that should have led to their loans being forgiven have not been processed.

57. AFT was preparing to end a multi-year contract with a technology company called Summer which provides direct services to members with student debt. Due to the uncertainty and lack of communication from the Department, AFT has been unable to educate and advise members and the union has had to reallocate resources totaling \$250,000 to extend the contract through June 2026.

Educators rely on the Department to enforce civil rights laws and ensure they can teach in environments free from discrimination and harassment

58. AFT's mission includes championing fairness in high quality public education. Educators can more effectively do their jobs and students have greater access to educational

opportunity in environments where civil rights are respected and where discrimination and harassment are not abided.

59. AFT members benefit from OCR's enforcement of student civil rights. OCR's work helps to create a more equitable and protected classroom environment by ensuring students have recourse if their schools fail to protect them from discrimination or fail to provide them with a Free Appropriate Public Education (FAPE) if they have a disability, which helps both students and teachers. Without a functioning OCR able to effectively and timely process complaints and enforce civil rights laws for students, teachers will be less able to provide their students with the fair, high quality education they deserve and will have fewer means to advocate for their students.

60. Teachers can file complaints with OCR on behalf of themselves or students. AFT members can report discrimination occurring against a student, or groups of students, helping to protect their civil rights. For example, a teacher with a disability who uses a wheelchair can file a complaint if he and his students cannot get to the auditorium because of physical barriers. If an AFT member faces retaliation for blowing the whistle on their school's non-compliance with civil rights laws, that member can file a complaint and is protected by OCR's authority to investigate and reach an agreement with the school to cease the retaliation.

61. If OCR's investigation and resolution processes are not effective, or if those processes become delayed, AFT members who experience or report discrimination or harassment will be harmed, as will members whose students rely on OCR to ensure that schools comply with their civil rights obligations.

62. OCR also provides significant technical assistance to support school districts and others, including providing guidance documents, FAQs, webinars, and other resources. For instance, OCR has published Dear Colleague Letters with updated guidance on important topics

such as behavior intervention plans, recruiting and retaining special education teachers and personnel, bullying of students with special needs, assistive technology, and post-secondary transition plans for students with IEPs. These various resources help school districts and educators understand their legal obligations and where they can access additional resources to improve students' access to educational opportunities. This assistance helps teachers not only understand how they can better provide educational services to their students but can also serve as an important validator when advocating for their students. Without the technical assistance provided by the Department, students, schools, and by extension AFT members, will be harmed.

Higher education faculty and staff rely on the Department to properly administer grant funding

63. Funds provided by the Strengthening Institutions Program under Title III of the Higher Education Act help eligible IHEs to become self-sufficient and expand their capacity to serve low-income students by providing funds to improve and strengthen the academic quality, institutional management, and fiscal stability of eligible institutions.

64. In just FY 2023 and FY 2024, an estimated 22 AFT higher education local affiliates are impacted by Title III grants to their institutions.

65. For instance, the University of Wisconsin—Stout was awarded \$2.5 million for their Strategic Technology, Retention and Organizational Networks and Guidance (STRONG) program which provides comprehensive student supports and supports the creation of a new First Year Experience. UW—Stout's press release about the award indicated that the grant would be used to hire a project director, academic adviser, financial wellness coach, and First Year Experience director as well as providing faculty fellowships. AFT represents faculty and staff and UW—Stout through our affiliate Stout United—AFT Wisconsin, Local #6503.

66. An AFT member at the Indiana University of Pennsylvania has also reported that if the grant to her university were not properly distributed, staff and graduate assistant positions could be eliminated.

67. And these grants also have substantial impacts on the students AFT members serve. The same AFT member at Indiana University of Pennsylvania has seen firsthand the significant positive impacts Title III funds have had on increasing retention gaps for Pell-eligible, first generation and under-resourced minority students at her university. Without the additional student support provided because of the grant, these students would see a reduction in services.

Teachers benefit from a myriad of other programs and services provided by the Department

68. AFT members benefit from the Department of Education's expertise and resources in a host of other ways.

69. For example, the many AFT members that work in rural districts rely on funds from the Department that support rural education under the Rural Education Achievement Program (REAP), which includes both the Small Rural School Achievement Grant Program (SRSA) and the Rural and Low-Income School Grant Program (RLIS).

70. For instance, in Minnesota, AFT members work at virtually all of the public schools receiving funds through REAP. These funds are essential components of these school districts' budgets as many are small and face compounding challenges such as declining enrollment and a shrinking tax base. Thus, any failure to properly administer REAP would have outsize impacts in these districts likely resulting in loss of jobs and increased workloads for AFT members and harm to students in the form of cut programs, fewer classroom supplies, and larger class sizes.

71. The AFT also proudly represents the majority of educators who teach 5.3 million English Language Learners (ELLs), including ESL teachers, bilingual education teachers,

language resource specialists, literacy specialists, and general education teachers. In every single school district where AFT has union locals, there are ELL students whose success depends on well-supported educators with access to high-quality professional development and instructional resources.

72. Title III grant funds administered by the Department of Education's Office of English Language Acquisition (OELA) are essential for equipping AFT member educators with the tools they need to support ELLs effectively. These resources help teachers implement research-based instructional strategies, develop culturally and linguistically responsive teacher practices, and address the diverse needs of multilingual learners.

73. For example, AFT members in Colorado and the students and families they serve benefit from Title III funded family engagement and professional development services. At a district that has a high number of new teachers of ELLs, Title III funded professional development on multilingual education and family engagement, both of which are critical to ensure that families can be fully engaged in supporting student achievement. The district also uses Title III funds on coaches to support teachers. If Title III funds were not properly administered or delayed, these structures would be in jeopardy.

74. As another example, an AFT member in New York works in a school that uses Title III funds to provide before- and after-school programming for ELLs and ESL classes for the parents of these students to equip them with language to more fully participate in supporting their child's education. If Title III funds were delayed or improperly administered, AFT members would likely face increased workloads to make up for some of the lost before- and after-school programming, and students and families would not receive essential services.

75. The AFT invests substantial resources in the professional development of member ELL educators, including contributions of \$180,000 per year to our long-standing partnership with Colorín Colorado, the most widely used professional online learning platform for educators of ELLs which provides invaluable research-based guidance, classroom videos of best instructional practices, and policy updates to empower teachers to improve student outcomes. OELA has been a key promoter and contributor to this partnership, including providing initial funding at the outset of the partnership twenty years ago and ongoing collaboration, expertise and promotion of professional development resources since.

76. If OELA ceases to operate, AFT member ELL educators and the students they serve will suffer. Title III funding and OELA professional development initiatives are critical to ensure that all ELL educators, including AFT members, have the support they need to foster student success.

77. The Department's Institute of Education Sciences (IES) is responsible for creating and disseminating a host of resources that AFT and AFT's members rely upon. For example, IES houses the What Works Clearinghouse which reviews educational studies to identify high-quality research to better inform decisions about education programs, products, practices, and policies to improve student outcomes and publishes practice guides on various education topics that educators can use to improve their classroom practices. IES is also the home of The National Assessment of Educational Progress (NAEP), also known as "The Nation's Report Card," which provides essential data about student achievement and is the only common measure of children's learning across regions and groups in the country to inform educators and policymakers on how to improve student outcomes.

78. The various programs administered by IES, including the What Works Clearinghouse and NAEP, allow teachers, including AFT's members, to be more effective in their classrooms and better able to identify practices that will actually improve student learning. IES programs, statistics, data, and evaluation of federal education programs are essential to inform policymakers about trends in educational achievements and the context for those trends. And researchers rely on data gathered by IES to conduct research on various topics, such as pandemic recovery and evidence-based reading instruction, which educators—including AFT members—and policymakers in turn rely upon. IES also promotes efficiency in education because states do not have to duplicate resources each searching for best educational practices on their own, thus freeing up more resources to invest in public schools.

79. Much of the statistical information IES produces about the US education system is not available anywhere else. Accordingly, any failure of IES to continue producing, evaluating, and updating research will harm AFT, AFT's members, and the students and families AFT members serve.

Conclusion

80. AFT represents 1.8 million members throughout the country. AFT and AFT members' work is heavily reliant on and closely intertwined with the Department of Education. If the Department cannot do its job effectively, AFT and its members will be unable to do their job as effectively – educate the children of our country.

Washington, District of Columbia
March 28, 2025



Daniel McNeil