

Trump Administration

“We’ve Been Essentially Muzzled”: Department of Education Halts Thousands of Civil Rights Investigations Under Trump

Since Inauguration Day, the Office for Civil Rights has only opened about 20 investigations focused on Trump’s priorities, placing more than 10,000 student complaints related to disability access and sexual and racial harassment on hold.

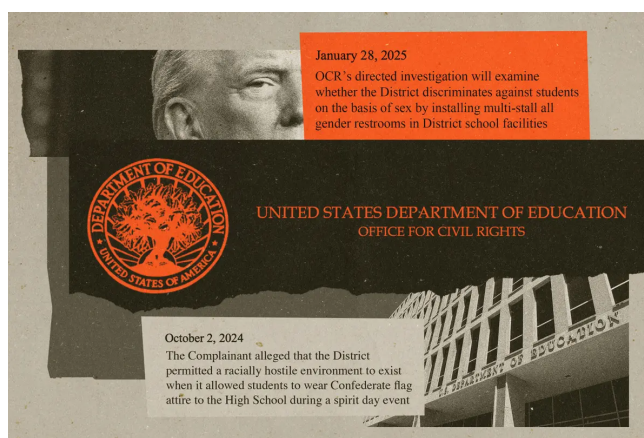


Photo illustration by Emily Scherer for ProPublica. Source images: Getty Images, U.S. Department of Education.

by **Jennifer Smith Richards and Jodi S. Cohen**

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In the three-and-a-half weeks since Donald Trump returned to the presidency, investigations by the agency that handles allegations of civil rights violations in the nation’s schools and colleges have ground to a halt.

At the same time, there’s been a dramatic drop in the number of new cases opened by the U.S. Department of Education’s Office for Civil Rights — and the few that attorneys have been directed to investigate reflect some of Trump’s priorities: getting rid of gender-neutral bathrooms, banning transgender athletes from participating in women’s sports and alleged antisemitism or discrimination against white students.

The OCR has opened about 20 new investigations since Trump’s inauguration, sources inside the department told ProPublica, a low number compared with similar periods in previous years. During the first three weeks of the Biden administration, for instance, the office opened about 110 new investigations into discrimination based on race, gender, national origin or disability, the office’s historic priorities. More than 250 new cases were opened in the same time period last year.

Historically, the bulk of investigations in the office have been launched after students or their families file complaints. Since Trump took office, the focus has shifted to “directed investigations,” meaning that the Trump administration has ordered those inquiries.

“We have not been able to open any (investigations) that come from the public,” said one longtime OCR attorney who asked not to be named for fear of losing their job.

Several employees told ProPublica that they have been told not to communicate with the students, families and schools involved in cases launched in previous administrations and to cancel scheduled meetings and mediations. “We’ve been essentially muzzled,” the attorney said.

A spokesperson for the Education Department did not respond to requests for comment.

Even though new case openings typically slow during a presidential transition as new political appointees gain their footing and set priorities, it is not typical for it to all but stop. “Under the first Trump administration, of course things shifted and there were changes, but we never had this gag order on us,” said another OCR attorney who also asked not to be named.

The shift at the OCR comes as Trump has called the Education Department a “con job” and is expected to issue an executive order that the department be dismantled. In her confirmation hearing on Thursday, Trump’s nominee to be education secretary, Linda McMahon, said she hadn’t decided whether to cut funding to the OCR, as Republicans have called for.

This week, the Trump administration terminated more than \$900 million in contracts that mostly focused on education research and data on learning and the country’s schools. The cuts were made at the behest of Elon Musk’s cost-cutting crew, known as the Department of Government Efficiency, which said it also ended dozens of training grants for educators that it deemed wasteful.

Since 1979, the department’s civil rights arm has worked to enforce the nation’s antidiscrimination laws in schools. It operates under a congressional mandate to uphold the Civil Rights Act of 1964 as well as the federal laws that prohibit discriminating against students because of gender or disability.

About 12,000 complaints were under investigation when Trump took office. The largest share of pending complaints — about 6,000 — are related to students with disabilities who feel they’ve been mistreated or unfairly denied help at school, according to a ProPublica analysis of department data.

Investigators were pursuing about 3,200 active complaints of racial discrimination, including unfair discipline and racial harassment. An additional roughly 1,000 complaints were specific to sexual harassment or sexual violence, the analysis found. The remainder concern a range of discrimination claims.

Students and families often turn to the OCR after they feel their concerns have not been addressed by their school districts. The process is free, which means even if families can’t afford a lawyer to pursue a lawsuit, they may still get relief — access to disabilities services or increased safety at school, for example.

When the OCR finds evidence of discrimination, it can force a school district or college to change its policies or provide services to a student, and it sometimes monitors the institutions to make sure they comply.

Last fall, for example, the OCR concluded that a rural Pennsylvania school district had failed to protect Black students from racist taunts and harassment by a group of white students. White students in the Norwin School District had circulated a photo of themselves labeled “Kool Kids Klub,” wore Confederate flag clothing, told a Black student to “go pick cotton” and used racial epithets, investigators found. District officials initially said they saw no problem with some of the white students’ behavior and did not believe the students had created a racially hostile environment.

But the OCR’s findings and corrective action required the district to study several years of racial harassment complaints and undergo training on how to better respond to racial conflict in the district.

The department’s power to hold schools accountable when they fail to protect students and provide

relief in real time — while a student is still in school — makes its work urgent, civil rights attorneys and department staff said.

About 600 of the Education Department’s roughly 4,000 employees work in the OCR, either at the Washington headquarters or one of 12 regional offices. At least 74 department employees, some of whom had taken diversity training, have been placed on administrative leave, according to Sheria Smith, an OCR attorney and president of the American Federation of Government Employees Local 252, a union that represents nonmanagement Education Department employees.

Smith said 15 of those workers on leave are from the OCR. Fifty newer Education Department employees were fired Wednesday, she said, including three from the OCR.

“The one thing that is clear right now is we have a complete disruption of the services we provide and are hearing from our stakeholders,” Smith said, citing as an example a Kentucky family reaching out to silenced OCR workers to plead for answers about the complaint they’d made about how their elementary school handled their child’s sexual assault.

“It is the members of the public that are suffering with these disruptions,” she said.

Another department employee who asked not to be identified, fearing they could lose their job, said a number of the students’ complaints are urgent.

“Many of these students are in crisis,” the employee said. “They are counting on some kind of intervention to get that student back in school and graduate or get accommodations.”

There are students who need help now, the employee said. “And now the federal government is literally doing nothing.”

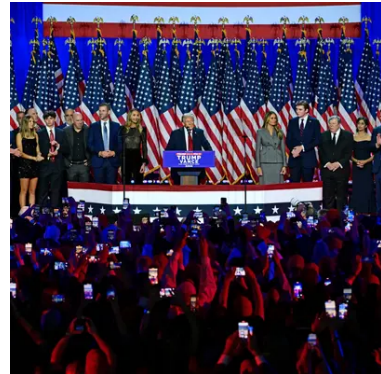
The department’s new leadership has said publicly it plans to broaden the types of discrimination the department will investigate. Among the cases it is investigating is whether one all-gender restroom in a Denver high school discriminates against girls. The acting head of the OCR even took the unusual step of announcing the investigation in a press release, something previous administrations typically did not do.

“Let me be clear: it is a new day in America, and under President Trump, OCR will not tolerate discrimination of any kind,” acting OCR head Craig Trainor said in the press release announcing that he had directed civil rights staff to investigate a Denver Public Schools bathroom because it “appears to directly violate the civil rights of the District’s female students.”

Denver schools spokesperson Scott Pribble called the investigation “unprecedented.” He added, “This is not the first all-gender bathroom we have in a school, but it’s the first time an

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investigation has been opened by OCR.” There are other girls’ restrooms in the school; only one was converted to an all-gender restroom after students lobbied school administrators to do so.

Trainor again took a tough approach on Wednesday when he announced a new investigation into high school athletics groups in Minnesota and California, both of which have said they would not shut transgender women out of women’s sports. The administration had already opened three similar investigations against other institutions for alleged violations of Title IX, the federal law that prevents gender-based discrimination in education programs, in response to the executive order Trump had signed to ban transgender women and girls from participating in women’s sports.

The states “are free to engage in all the meaningless virtue-signaling that they want, but at the end of the day they must abide by federal law,” Trainor said.

The OCR also decided that it would investigate a complaint filed in August by the Equal Protection Project, a conservative nonprofit, that alleges discrimination against white students. The Biden administration had not acted on the complaint, but new department leaders decided within days that it would proceed with an investigation. The complaint alleges that the Ithaca City School District in New York excluded white students by hosting an event called the Students of Color Summit.

Cornell University professor William Jacobson, who founded the Equal Protection Project, said his organization has filed about 60 complaints over the years with the OCR, some of which remain under investigation. Asked whether he thought the change in administration helped fast-track the Ithaca complaint, he said, “I don’t see how it could have hurt.”

“We want evenhanded enforcement, and we hope the department will be more aggressive than it has in the past,” Jacobson said. “If there are programs that exclude Black students, we want the department to go after that, but I am not aware of such programs.”

Ithaca school officials declined to comment.

Catherine Lhamon, who oversaw the OCR under former Presidents Barack Obama and Joe Biden, questioned the current administration’s approach of issuing press releases to announce investigations. One announcement included a quote from a former collegiate athlete who has railed against transgender women in sports.

“It’s hugely political and suggests a conclusion before the OCR has even conducted an investigation,” Lhamon said. The agency, she said, is supposed to be a neutral fact-finder.

The agency appears to have ended its long-standing practice of making public a list of institutions that are being investigated and what type of discrimination is alleged. That was last updated Jan. 14, the week before Trump’s inauguration.

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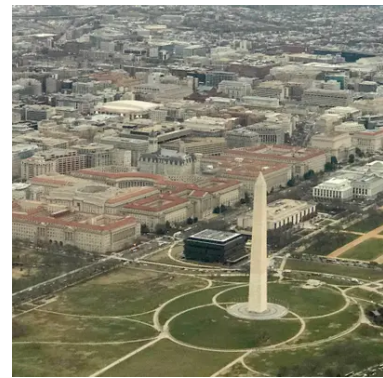
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[Mollie Simon](#) contributed research.

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