



**For Immediate Release**  
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### **LDF Sues the U.S. Department of Education for Failure to Respond to FOIA Request**

The U.S. Department of Education (DOE) has failed to produce records related to the agency's civil rights investigations and policies, according to a new lawsuit. The NAACP Legal Defense and Educational Fund, Inc. (LDF) filed the [lawsuit](#) to enforce a Freedom of Information Act (FOIA) request about DOE policies that could strip students of critical civil rights protections.

“The Department of Education failed to honor our request for documents, and now we must resort to the courts to adequately monitor the agency's changing civil rights policies and practices,” said [Ajmel Quereshi](#), Senior Counsel at LDF. “The DOE has a responsibility to protect and enforce students' rights, and the public deserves full transparency on how the agency will uphold that promise.”

On July 12, 2017, LDF sent a FOIA request to the department for documents related to whether the agency has been effectively enforcing civil rights laws; and, in particular, whether the agency's Office for Civil Rights (OCR) has been investigating and resolving civil rights complaints. Documents requested included current and revoked guidance documents and internal enforcement memoranda.

Under federal law, a government agency must respond to a FOIA request within 20 working days of receiving it. After more than nine months, the DOE has failed to respond to LDF's request.

LDF requested the information due to continued reports of DOE's efforts to rollback civil rights protections. Recent reports suggest that the DOE is seeking to eliminate or weaken policies and guidance that address racial discrimination and academic disparities. Secretary Betsy DeVos has established a commission to evaluate whether to revoke the federal school discipline guidance, which helps to improve racial disparities that exacerbate the school-to-prison pipeline. The Commission's meetings are thus far not open to the public.

The agency has already weakened OCR's ability to investigate racial discrimination, even though racial discrimination in schools is on the rise. In June 2017, Candice Jackson, the acting head of OCR, issued a memo ordering the office to scale back requirements for investigators to identify systemic issues and victims when evaluating discrimination complaints. The memo also restricts how much data civil rights investigators must consider, limiting OCR's ability to investigate complaints of racial discrimination.

DOE has also rescinded federal guidance that protects the safety and rights of transgender students, as well as guidance on how colleges and universities should respond to sexual assault allegations.

Read the full complaint [here](#)

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.*