

Opening Statement of Kimberly Richey
Nominee for Assistant Secretary for Civil Rights, U.S. Department of Education
Senate Committee on Health, Education, Labor and Pensions
June 5, 2025

Chairman Cassidy, Ranking Member Sanders, and Members of this Committee:

I am grateful and honored to appear before you today as President Trump's nominee to lead the Office for Civil Rights (OCR) at the U.S. Department of Education. I want to thank President Trump and Secretary McMahon for their support and the opportunity to continue OCR's critically important work.

I want to thank my loving family, for whom I'm very grateful. Their love, prayers, and support have strengthened and sustained me: my husband, Dr. Larry Birney; my parents, David and Arlene Richey; my sister and brother-in-law, Dr. Jeffrey and Kelley Lind; and, finally, my greatest gifts, Pearce, Anna, and Ella Mae.

I'm also appreciative of the role so many others have played in my life; my extended and church-family, friends, teachers, and current and former colleagues who have emboldened and challenged me throughout the years.

While I am a teacher and an attorney, I am first and foremost the daughter of a retired thirty-four-year public school teacher who taught me the innate obligation and importance of speaking up for those who have no voice and seeking justice for those to whom it has been denied (Proverbs 31:8-9). I know from my nearly seven years of service in OCR the vital role it plays for so many students and families across our great nation. Students cannot gain the knowledge or skills they need to be successful in life if they are unable to access educational programs and activities.

Secretary McMahon highlighted, in her confirmation hearing, the significant challenges we are facing and reiterated a commitment to addressing these challenges. She stated:

“We must protect all students from discrimination and harassment. If I am confirmed, the Department will not stand idly by while Jewish students are attacked and discriminated against. We will stop forcing schools to let boys and men into female sports and spaces.”

My commitment to these priorities is unwavering. Should I be confirmed as Assistant Secretary for Civil Rights, I will proudly be joining an administration that will not allow students to be intimidated, harassed, assaulted or excluded from their institutions. I will work every day to uphold Title VI, including vigorously fighting anti-Semitism, and require schools to address these great evils. I will also fight to preserve the rights of women and girls to access education programs and facilities free from discrimination.

I bring over twenty-one years of experience in federal and state government, and working with local school districts, colleges, and education non-profits. Throughout my career, I've worked to increase student outcomes and advance civil rights protections, whether it be securing services for students enrolled in day treatment programs, providing accommodations to students in state assessments, setting up a charter school for students in the juvenile justice system, or creating a

way for Native American students to receive world language credit for learning their native language.

During my tenure as Acting Assistant Secretary in the U.S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS), OSERS issued guidance clarifying the obligations of school districts in light of the Supreme Court's ground-breaking decision in the *Endrew F.* case, which held, in short, that IEP's must be reasonably calculated to ensure a child makes meaningful progress. We also concluded what was, at the time, the largest investigation involving a state conducted under the Individuals with Disabilities Education Act (IDEA).

Under my leadership as Acting Assistant Secretary for Civil Rights, OCR investigated cases and pursued enforcement action to protect and preserve the rights of women and girls in athletic cases involving transgender students. We launched multiple directed investigations examining the provision of special education and related services to students with disabilities during the COVID-19 pandemic, provided technical assistance and issued guidance to assist schools in implementing President Trump's 2020 Title IX regulations, and issued guidance on racial discrimination, single-sex programs in post-secondary, and guidance on OCR's enforcement of Title VI to protect Jewish students from discrimination.

As impactful as I view these and so many other accomplishments, especially in OCR, it is my personal experience as a student with a disability—and now an individual with disabilities—that most impacts my work. As a young adult, I was diagnosed with a brain tumor that changed nearly every aspect of my life. Within a matter of months, I was a student who needed the protections and guarantees of Section 504 to fully access my own educational programs and activities. I know first-hand the significance and importance of our civil rights laws and there is no greater work than leading the agency responsible for ensuring that students get the services and support they need.

I am committed to upholding the laws OCR enforces and prioritizing the important mission of OCR to enforce civil rights laws and conduct thorough investigations, consistent with the law and the authority Congress has conferred upon the agency. Sitting in this seat today, I feel blessed that exactly twenty-years since I had my brain tumor removed, I now have the opportunity to lead the *very* office responsible for enforcing the laws that protected me. If I am fortunate enough to be confirmed, that appreciation and mindset will continue to guide my work, every day, as it has for so many years.

Thank you for considering my nomination and for the opportunity to be here today. I look forward to answering any questions you may have.