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Higher Education Alert

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Department of Education Restructuring Continues: New Agreements Shift Key Responsibilities to Other Agencies

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New Department of Education agreements shift duties to the Department of Justice and Department of Health and Human Services, creating a more fragmented enforcement landscape for colleges and universities



What's the impact?

- The Department of Education's latest agreements with the Department of Justice and Department of Health and Human Services continue to shift key education functions across federal agencies, reshaping higher education oversight.
- Colleges and universities should prepare for a more fragmented regulatory landscape, with multiple agencies overseeing compliance, privacy, civil rights, and disability issues.
- The DOJ's growing role may bring a more enforcement-focused approach to higher education civil rights compliance and institutional accountability.

On June 16, 2026, the US Department of Education (DOE) [announced](#) four new interagency agreements transferring significant responsibilities to the US Department of Justice (DOJ) and Department of Health and Human Services (HHS). The agreements are the latest in a series of administrative actions that have redistributed core DOE functions to other federal agencies, bringing the total number of interagency agreements executed since January 2025 to 14.

While the DOE has characterized these agreements as efforts to reduce bureaucracy and improve efficiency, the transfers are notable for closely aligning with a broader policy objective articulated by the Trump administration and other conservative policy organizations: the gradual dismantling of the DOE and redistribution of its responsibilities across the federal government.

For colleges and universities, the significance of the latest agreements lies not simply in certain functions moving outside the DOE. Rather, the agreements set up a more fragmented federal regulatory environment—one in which multiple agencies, rather than a single department, oversee key aspects of higher education and in which the DOJ assumes an increasingly prominent enforcement role.

The March 2025 executive order

The DOE's recent interagency agreements are best understood within the broader context of President Trump's [March 20, 2025, executive order](#), directing the dismantling of the DOE.

In the executive order, President Trump directed the Secretary of Education to take all lawful steps to facilitate the closure of the DOE "to the maximum extent appropriate and permitted by law," while ensuring the continued delivery of programs and benefits authorized by Congress. The administration framed the initiative as an effort to return authority over education to states and local communities and reduce federal involvement in education policy.

Because the DOE was created by statute, Congress would have to enact legislation to formally abolish the agency. However, the executive order established a framework through which the administration could progressively and significantly reduce its operational footprint and reallocate responsibilities to other federal agencies without additional congressional action. Since the issuance of the executive order, the DOE has increasingly relied on interagency agreements to accomplish that objective.

Four new agreements continue the executive order's objectives

The DOE's newest agreements include:

- / A special education and rehabilitative services partnership between the DOE and HHS;
- / A civil rights partnership between the DOE and DOJ;
- / A student privacy protection partnership between the DOE and DOJ; and

/ A training and advisory services partnership between the DOE and DOJ.

Collectively, these agreements transfer certain operational responsibilities involving civil rights enforcement, student privacy, compliance assistance, and disability-related services.

These four newest agreements build on ten earlier agreements that transferred responsibilities involving student loans, workforce development, disability services, family engagement initiatives, and other federal education functions to other agencies, including Treasury, Labor, HHS, State, and DOJ. Viewed collectively, the agreements serve to functionally reorganize the DOE, even in the absence of formal congressional action.

What colleges and universities need to know

A significant consequence of the DOE's growing network of interagency agreements is not the transfers themselves, but the emergence of a more fragmented federal oversight structure.

For decades, colleges and universities generally interacted with the DOE as the federal government's primary education regulator. Although institutions routinely engaged with other agencies (including the DOJ, Department of Human Services, Department of Labor (DOL), and HHS), the DOE remained the principal administrative hub for student aid administration, civil rights enforcement, institutional accountability, and regulatory guidance.

Now, as responsibilities are distributed across multiple agencies, institutions may increasingly find themselves navigating a federal regulatory landscape in which different aspects of institutional operations are overseen by different agencies with distinct priorities, enforcement philosophies, leadership, and procedures. Rather than looking primarily to the DOE, institutions will have to monitor and engage with the DOJ, Treasury, HHS, DOL, State, and other agencies, depending on the issue involved, and likely concurrently.

Institutions should also anticipate increased uncertainty during the transition period. Guidance, enforcement priorities, reporting expectations, and institutional points of contact may evolve as responsibilities and personnel migrate across agencies.

DOJ's expanding role in higher education enforcement

The DOJ's expanding role in federal education enforcement is also significant. Historically, the DOE's Office for Civil Rights (ED-OCR) has served as the primary federal agency investigating complaints involving Title VI, Title IX, Section 504, and other civil rights laws applicable to educational institutions. While ED-OCR possessed substantial enforcement authority, its work often emphasized administrative investigations, compliance reviews, negotiated resolution agreements, corrective action plans, and technical assistance designed to bring institutions into

compliance. Now, the DOJ and ED-OCR will “[t]ogether... pursue vigorous enforcement of civil rights laws and ensure that institutions receiving Federal financial assistance are fully compliant with Federal civil rights law.”

The DOJ has historically approached enforcement from a different institutional perspective. As the federal government’s chief litigation agency, the DOJ has broader investigative tools, greater litigation authority, and a long-established enforcement culture rooted in civil rights litigation and federal court proceedings. This has been evidenced by the DOJ’s July 2025 memorandum directing DOJ attorneys to prioritize civil rights enforcement and to pursue all available legal remedies to advance the administration’s priorities. Consistent with that directive, DOJ has increasingly relied on the False Claims Act as an enforcement tool across a range of policy areas.

Although the DOJ and ED-OCR have frequently worked together in the past, the transfer of responsibilities may blur the traditional distinction between administrative oversight and enforcement. As a result, institutions may encounter a regulatory environment in which civil rights compliance issues are evaluated through a more enforcement-oriented lens, linked to broader federal enforcement priorities. Nonetheless, questions remain regarding how complaint processing, investigative timelines, enforcement priorities, and institutional interactions may evolve as the DOJ assumes a larger role in administering and enforcing these responsibilities.

Whether these developments ultimately result in more aggressive enforcement remains to be seen. However, the transfer of responsibilities from ED-OCR to DOJ represents more than a bureaucratic reshuffling. It signals a fundamental shift in how the federal government approaches the oversight of colleges and universities.

Looking Ahead

Whether Congress will ultimately act to formally reorganize or eliminate the DOE remains uncertain, especially as the mid-term elections approach. However, the Trump administration’s directives and realignment of administrative oversight require that colleges and universities must continue to recognize and prepare for an evolving regulatory environment that is increasingly decentralized and enforcement-focused.

The central question may no longer be whether responsibilities leave the DOE, but rather where those responsibilities ultimately reside and how those successor agencies choose to exercise their authority.

For higher-education institutions, the growing role of the DOJ and fragmentation of federal oversight may ultimately prove more consequential than the DOE’s shrinking footprint itself. Institutions that have historically focused on DOE guidance and enforcement activities should prepare for a future in which federal oversight is dispersed across multiple agencies, each with its own regulatory priorities, compliance expectations, and enforcement philosophy.

Nixon Peabody's Litigation team helps colleges and universities navigate evolving federal oversight, enforcement priorities, and compliance risks. We are prepared to advise institutions facing investigations, agency inquiries, or litigation arising from this shifting regulatory landscape.

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