

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

COUNCIL FOR OPPORTUNITY
IN EDUCATION,

Plaintiff,

v.

DEPARTMENT OF EDUCATION, et al.,

Defendants.

Civil Action No. 25-3514 (TSC)

Civil Action No. 25-3491 (TSC)

DEFENDANTS' STATUS REPORT

Defendants, by and through undersigned counsel, hereby submit this Status Report. The Defendants report as follows:

1. On January 16, 2026, the Court entered a preliminary injunction vacating certain “Notices of Non-Continuation sent to Plaintiff and the members it identified in Case No. 25-cv-03514” and “Notices of Non-Selection sent to Plaintiff’s identified members in Case No. 25-cv-03491[.]” That order required Defendants to issue new determinations regarding continuation or new funding determinations, as applicable, in accordance with the accompanying Memorandum Opinion as well as all applicable laws, regulations, and procedures.

2. On January 30, 2026, Defendants filed a status report providing the Court with “information and [a] timetable of steps Defendants have taken and will take to meet such obligations” to comply with the preliminary injunction.” Defs.’ Status Report (ECF No. 31) at 1. Defendants’ January 30, 2026, status report proposed “filing a subsequent status report by March 9, 2026.” *Id.*

3. On February 3, 2026, the Consolidated Appropriations Act, 2026 was signed into law (H.R.7148; PL119-75). This Act provided further appropriations for the fiscal year ending September 30, 2026, for several federal departments and agencies, including the U.S. Department of Education (“Education”).

4. Under Section 524 of the Consolidated Appropriations Act, 2026, Education is required to “notify the Committees on Appropriations of the House of Representatives and the Senate not less than 3 full business days prior to announcing or providing notice” of any new, non-continuation, termination, or non-continuation of a grant. Last week, Education completed the required Congressional notification.

5. As of the date of this status report, Defendants have issued new selection decisions to each of the named members affected by the Court’s January 16, 2026, Order.

6. As of the date of this status report, Defendants have issued new continuation decisions to each of the identified members affected by the Court’s January 16, 2026, Order. This includes one new non-continuation decision, which the affected grantee may request reconsideration of pursuant to 34 C.F.R. § 75.253(g).

7. Education anticipates completing the administrative activities to reinstate grant awards that were previously non-continued and obligating funding for the 12-month budget period for each continued grantee’s award, on or before March 13, 2026.

* * *

8. The Department proposes filing a subsequent status report within seven days of the Court ruling on Plaintiff's Motion to Modify Preliminary Injunction Order, advising the court of the steps and timing under which Defendants would be able to comply with a further expansion of the preliminary injunction.

Dated: March 9, 2026

Respectfully submitted,

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United States Attorney

By: /s/ Stephanie R. Johnson

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