UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

COUNCIL FOR OPPORTUNITY IN EDUCATION, 1025 Vermont Ave., NW, Suite 400, Washington D.C. 20005

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION and LINDA McMAHON, 400 Maryland Avenue SW, Washington D.C. 20202

Defendants.

Case No. 1:25-cv-03514-TSC

BRIEF OF AMICI STATES OF NEVADA, MASSACHUSETTS, ARIZONA, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, HAWAI'I, ILLINOIS, MAINE, MARYLAND, MICHIGAN, MINNESOTA, NEW JERSEY, NEW MEXICO, NEW YORK, OREGON, RHODE ISLAND, VERMONT, WASHINGTON, AND WISCONSIN IN SUPPORT OF PLAINTIFF COUNCIL FOR OPPORTUNITY IN EDUCATION'S MOTION FOR PRELIMINARY INJUNCTION

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INTRODUCTION AND INTEREST OF AMICI

Pursuant to LCvR 7(o)(1), Amici States of Nevada, Massachusetts, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Hawai‘i, Illinois, Maine, Maryland, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, and Wisconsin submit this amicus brief in support of the motion for preliminary injunction filed by Plaintiff Council for Opportunity in Education (the "Council"), ECF No. 2. Since the 1960s, a suite of federal programs known collectively as "TRIO" has supported talented—but disadvantaged—students seeking a college education. By providing mentoring, tutoring, counseling, test preparation, and a raft of other services, these programs are proven to improve academic performance and high school graduation rates, to increase college readiness and enrollment, and to enhance college graduation rates, GPAs, and graduate school enrollment rates. Put simply, they have helped millions of individuals who might otherwise have lacked the resources to continue their education.

The individuals supported by TRIO programs have received innumerable personal and professional benefits from attending college. But Amici States have their own separate and unique interest in the continuation of the TRIO programs. That is because Amici States' economies depend on a supply of highly educated and skilled workers to attract businesses and generate well-paying jobs. By helping to even the playing field for disadvantaged students, TRIO programs allow Amici States to reap the rewards of greater educational attainment across the entire socioeconomic spectrum.

The announced discontinuation of some TRIO grants and denial of others is already harming many Amici States. TRIO programs serving thousands of high-school and college students have closed, many of which have operated successfully for years with track records of

success. Students who relied on these programs' guidance and academic assistance are now being turned away. The result will be fewer students going to college and fewer students graduating college, to the detriment of impacted Amici States, their residents, and their economies. The public interest thus strongly favors an injunction preserving the fair and transparent process that governed TRIO grants before the government's unlawful actions.

BACKGROUND

Congress created the original three TRIO programs in the 1960s to fund services that would support students seeking greater educational opportunities.[1] Today, TRIO has expanded to eight programs: Upward Bound, Upward Bound Math-Science, Veterans Upward Bound, Educational Opportunity Centers, and Talent Search, which assist high-school students; Student Support Services ("SSS") and Ronald E. McNair Postbaccalaureate Achievement, which assist college students; and the Training Program for Federal TRIO Programs Staff.

Many TRIO programs are aimed at helping disadvantaged young people gain acceptance to college. For example, as Defendant U.S. Department of Education (the "Department") itself has detailed, Veterans Upward Bound provides "counseling, mentoring, tutoring and academic instruction in the core subject areas" to increase veterans' access to college.[2] Similarly, Talent Search "identifies and assists individuals from disadvantaged backgrounds who have the potential to succeed in higher education" by "provid[ing] academic, career, and financial counseling to its participants and encourag[ing] them to graduate from high school and continue on to and complete their postsecondary education."[3] SSS programs, on the other hand, comprise a variety of services

[1] ECF No. 1 ¶¶ 35–37.

[2] Veterans Upward Bound Program, U.S. Dep't of Educ. (June 26, 2025), https://tinyurl.com/y2ccwhvn.

[3] Talent Search Program, U.S. Dep't of Educ. (August 21, 2025), https://tinyurl.com/pyxcptxu.

that help college students successfully complete their postsecondary education and reduce the risk of students dropping out short of obtaining their degrees.[4]

Although Congress directed that the Secretary of Education "shall . . . carry out" the TRIO programs, in recent months postsecondary and other institutions in many Amici States have received notices that the Department is discontinuing grant funding for many such programs, including longstanding programs that have operated successfully for decades. The Department also denied SSS grants that had been applied for under the Biden Administration. News coverage across the country is replete with examples of various TRIO programs being abruptly cut by the Department of Education and shut down as a result of these actions. For example, in Arizona, Pima Community College was informed this fall that its Upward Bound TRIO grants would be discontinued, impacting eight local high schools, including three where the percentage of people with bachelor's degrees is in the single digits.[5] Similarly, two campuses of the State University of New York ("SUNY") in Plattsburgh and Queensbury lost Upward Bound programs, which were collectively supporting approximately 250 high school students in rural upstate New York.[6] West Virginia University was also recently informed that it has lost its Upward Bound program after 18 years of successful operation.[7] The program was three years into its current five-year grant and

[4] Student Support Services Program, U.S. Dep't of Educ. (July 9, 2025), https://tinyurl.com/3dc3mp8u.

[5] *See* Noor Haghighi, *Federal government cancels college prep program, citing DEI disagreement*, AZPM (Oct 9, 2025), https://news.azpm.org/s/101902-federal-government-cancels-college-prep-program-citing-dei-disagreement

[6] *See* Cara Chapman, *North Country Colleges plot next steps after loss of Upward Bound Funding*, North Country Public Radio (Oct. 3, 2025), https://www.northcountrypublicradio.org/news/story/52434/20251003/north-country-colleges-plot-next-steps-after-loss-of-upward-bound-funding.

[7] *See* Jefferson Pan, *WVU Upward Bound program officially loses federal funding* WBOY News (Oct 2, 2025), https://www.wboy.com/news/education/wvu-upward-bound-program-officially-loses-federal-funding/amp/.

was serving 60 currently enrolled students, helping them with applying to college, financial aid and scholarships, and test preparation for the SAT and ACT exams.[8]

The loss of funding for these programs in many Amici States has resulted in cutting staff and disbanding entire programs. The consequences for the students being served, as well as impacted Amici States' local workforces and economies, are severe and ongoing, as explained below.

ARGUMENT

The Council has set out the legal arguments as to why a preliminary injunction should issue. Amici States write separately to set out additional reasons why a preliminary injunction would be in the public interest; namely, the enormous benefits provided by TRIO programs to Amici States and their residents and the corresponding damage done by the Department's discontinuing and denying funding.

A. Amici States Need an Educated Workforce to Sustain Economic Growth.

Having an educated workforce with the requisite skills and knowledge for today's economy is crucial to sustaining Amici States' economies. In Massachusetts, for example, "[e]mployment opportunities have grown, almost exclusively, for workers with a college degree or higher since 2000."[9] Thus, even in Massachusetts, where over half of all workers possess a bachelor's degree or higher (giving the state one of the most educated workforces in the country),[10] businesses in Massachusetts struggle to find highly educated and skilled workers to fill open positions. In a

[8] *Id.*

[9] *See* Commonwealth Corp., *Closing the Skills Gap: Meeting the Demand For Skills In a Growing Economy* at *9 (2016), https://tinyurl.com/35epmk8c.

[10] *See* Aidan Enright, *Deep Dive: the Massachusetts Labor Force in 2023, Headwinds Persist, but Women and Immigrants Keep Participation Afloat as State Diversifies* Pioneer Institute: Public Policy Research No. 268, at *5 (April 2024), https://tinyurl.com/3mdjh5dv.

survey by the Massachusetts Business Alliance for Education, "two-thirds of business leaders expressed that over half of their company's positions require a postsecondary credential" and 87% reported that it was very or somewhat difficult to find people with the right skills for their open roles.[11] Thus, unless the population of college-educated workers in the Commonwealth continues to grow, its economy will struggle to fill these positions.[12] Indeed, it is projected that the Commonwealth's working-age, college-educated population may actually fall by as many as 192,000 residents by 2030.[13]

Nevada also recognizes the importance of higher education in developing its economy. Nevada's economy has historically been concentrated in hospitality and tourism, and state leaders have long sought to diversify it to generate durable, well-paying jobs.[14] Yet Nevada's population lags most other states' in educational attainment, with one of the lowest percentages of the population possessing a bachelor's degree or higher.[15] Catching up to other states, especially when it comes to science, technology, engineering, and mathematics degrees, will be key to achieving the state's goal of generating high quality jobs to supplement the hospitality and tourism sectors.

Massachusetts and Nevada in many ways reflect opposite ends of a spectrum in terms of the educational attainment of their present workforce. But on both ends of the spectrum—and

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[11] *See* Mass. Bus. All. for Educ., *Hiring Skilled Workers Remains Top Challenge, Shows MA Business Leader Survey* (Nov. 28, 2023), https://tinyurl.com/3utwcjjv.

[12] *See 2024 Massachusetts College and Career Outcomes Report*, Dep't of Elementary & Secondary Educ. (updated March 2025) https://tinyurl.com/2zymk5k8.

[13] *See* Lane Glenn, *Massachusetts is Facing a Skilled Workforce Crisis: Here Are Five Ways to Avoid It*, Commonwealth Mag. (June 29, 2022), https://tinyurl.com/35jnp5t4.

[14] Brookings Inst., *Unify Regionalize Diversify: An Economic Development Agenda for Nevada* 3 (2011), https://tinyurl.com/597huvrr.

[15] *Educational Attainment, Annual*, Fed. Reserve Bank of St. Louis, https://tinyurl.com/mhn8b9t6 (last visited Oct. 20, 2025).

everywhere in between—Amici States need an educated workforce to grow and sustain their economies over time.

B. TRIO Programs Advance the Public Interest by Delivering the Educated Workers that Amici States So Desperately Need.

TRIO programs are an effective way to meet the States' needs for a highly educated workforce. Indeed, "parent education is the most significant predictor of the likelihood of a child's entrance into and graduation from college," and the lower proportion of college graduates in some states, like Nevada, means that lower parental educational attainment can translate to fewer college-educated workers in the future.[16] By specifically targeting first generation college students, TRIO programs support students whose parents did not attend college both to apply to college and to persist through graduation.

Amici States' experience shows the real-world impact of these programs. For example, the University of Nevada, Reno ("UNR") administers Upward Bound and Upward Bound Math-Science programs at high schools throughout Northern Nevada. Each year, these programs support hundreds of disadvantaged students — students from low-income households and/or students who would be the first in their family to attend college. After participating in the TRIO programs, 100% of these students were accepted to an institution of postsecondary education and 90% matriculated to college. They are well prepared for this next step: Upward Bound and Upward Bound Math-Science alumni boast a six-year graduation rate higher than the general student body at UNR. The University of Nevada, Las Vegas ("UNLV") likewise supports hundreds of students

[16] Margaret W. Cahalan et al., *Indicators of Higher Education Equity in the United States 2024: 50-Year Historical Trend Report*, The Pell Inst. for the Study of Opportunity in Higher Educ. at *298 (2024).

a year through Upward Bound and Upward Bound Math-Science programs; 82% of the most recent cohorts enrolled in college following high-school graduation.

In Massachusetts, the University of Massachusetts-Boston ("UMass Boston") partners with three separate Talent Search programs, serving 1,825 middle and high school students annually in communities with low college-going rates. In the longest running of these Talent Search programs, serving 825 Boston public school students annually, 96% of program participants graduated from high school in the 2023-2024 school year, compared to just 78% of their peers who did not participate in the Talent Search program. Even more telling, 72% of program participants went on to enroll in postsecondary education compared with just 40% of their peers who did not participate in Talent Search.[17] This statistic demonstrates the importance of the early college exposure provided by Talent Search programming as well as the coaching and direct assistance provided on topics like the SATs, financial aid and FAFSA support, and college and scholarship applications.

TRIO programs help ensure that socioeconomic status and family history do not prevent talented students in Amici States from continuing their education. TRIO participants are students from low-income households who could not afford academic tutoring, standardized testing prep, and college and financial-aid counseling. The federal funding mandated by Congress allows them to access these resources free of charge, putting them on a more even footing with their better-

[17] UMass Boston's other two Talent Search programs, which began in 2021 and 2022 respectively, have also shown tremendous results. In the 2023-2024 school year, 99% of program participants in the Charlestown Talent Search program graduated from high school compared with 72% of non-participant peers. And in Lawrence's Talent Search program, 100% of program participants graduated from high school compared to 87% of non-participant peers. Likewise, Bristol Community College's Talent Search program saw a graduation rate of 100%, which was 33.6% more than the overall student population and over 35% more than the low-income and first-generation cohorts that TRIO serves. However, all four of these Talent Search programs have been notified they are being discontinued. *See infra*, Argument: Part C.

resourced peers and leading to greater educational attainment overall, to the benefit of Amici States.

The support provided by TRIO programs does not end at the campus gate. SSS grants allow colleges to provide counseling, tutoring, workshops, and more to their eligible students. The results are striking. At UNR, over 95% of SSS participants are in good academic standing and 90% graduate within six-years—compared to the general student body's 63% graduation rate. The McNair program, which is aimed at preparing college students for graduate study, is just as successful, with 100% of UNR McNair participants graduating within six years. UNLV's SSS participants similarly graduate at a rate 50% higher than the general student population. And at the community college serving Nevada's largest county, College of Southern Nevada ("CSN"), SSS participants' three-year graduation rate is more than double that of the general student body. That is no coincidence: data shows that when a CSN student starts participating in an SSS program, his or her GPA materially increases compared to where it was before participation.

Likewise, in Massachusetts, participants in UMass Boston's SSS program were much more likely to stay the course in college; one-year retention rates for program participants were 85%-88% for the 2020-2021 cohorts, compared to retention rates of just 73%-75% for non-participants. Likewise, the percentage of students graduating college within six years was 23 percentage points higher among participants in UMass Boston's SSS program compared to their peers. Similarly, at least 90% of participants in UMass Dartmouth's SSS program were in good academic standing, and the rate of eligible first-generation, low-income students graduating college within six years was 14 percentage points higher among program participants than among non-participating first-generation, low-income peers. These statistics translate into thousands more degree-holders in Massachusetts over the lifetime of these two programs.

Individual students tell the same story as the statistics. Yvette Machado arrived at CSN with a GED.[18] With the help of TRIO, she graduated as student body president and eventually earned a spot in law school.[19] James Allen was not a traditional student when he began attending community college in his mid-50s. But he says that CSN's TRIO services "accepted [him] with open arms," providing him with advising, "confidence, motivation, even snacks."[20] The result: a nearly perfect GPA.[21]

Armed with the tools gained in TRIO programs and a college degree, TRIO alumni often go on to become leaders in their states. Gwen Moore, a congresswoman representing Wisconsin, has said "I wouldn't be in Congress without TRIO."[22] U.S. Senator Reverend Raphael Warnock, an Upward Bound alumnus, led a bipartisan group of senators pushing the Department to release TRIO funding.[23] The current Attorney General of Nevada and former Attorney General of New Mexico participated in Upward Bound before college. Other TRIO alumni have served as state legislators and city and county leaders, founded nonprofits serving their communities, and ascended to leadership positions at Fortune 500 corporations.[24] The upshot is that TRIO programs help students get into college, help them stay in college, and help them graduate college. And they

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[18] *Federal Cuts End CSN's TRIO Program*, Coll. S. Nev., https://tinyurl.com/yjxhk8fk (last visited Oct. 20, 2025).

[19] *Id.*

[20] Rocio Hernandez, *Trump Admin Cuts Grant for CSN Student Support Program; Other Nevada Programs at Risk*, Nev. Indep. (Sept. 16, 2025), https://tinyurl.com/53rryztc.

[21] *Id.*

[22] *Congresswoman Gwen Moore Fights to Protect TRIO Programs, Pushes Trump Administration to Release Grant Notifications for TRIO Programs Across the Country*, Congresswoman Gwen Moore (Sept. 11, 2025), https://tinyurl.com/uskwrsjk.

[23] *Warnock, Merkley Lead Bipartisan Effort Urging Education Department to Stop Blocking Federal Grants Supporting Low-Income Students*, Reverand Raphael Warnock (Sept. 10, 2025), https://tinyurl.com/mt9dwuyj.

[24] *See generally TRIO Alumni Accomplishments*, Council for Opportunity Educ., https://tinyurl.com/5n6uszd8 (last visited Oct. 20, 2025).

help precisely those students who would be least likely to otherwise go to college—first-generation students and students coming from low-income households. In doing so, TRIO programs directly and significantly increase the number of young people obtaining college degrees in Amici States, to Amici States' tangible and significant benefit.

C. The Effect of Abruptly Losing TRIO Programs Harms the Public Interest by Destroying an Essential Means of Educating State Workforces.

The abrupt loss of TRIO programs, after decades of sustained support in some cases, will harm impacted Amici States and their efforts to deliver the educated workforce necessary to sustain economic growth. For example, in Massachusetts, UMass Boston received notice that *three* separate Talent Search programs serving precollegiate high schoolers and middle schoolers were being discontinued, including one program that had operated continuously for the past 20 years, serving over 33,000 students during that time.[25] Likewise, Bristol Community College lost its Talent Search program, which served over 500 middle and high school students during the most recent school year in Fall River, Massachusetts, one of the poorest communities in the Commonwealth. As set forth *supra*, Argument, Part B, data demonstrate that students participating in these Talent Search programs were far more likely to graduate high school and attend college than their peers who did not participate. But future students will no longer have these opportunities.

Likewise, UMass Dartmouth lost its SSS program, which had been operating continuously for over 40 years, providing college students during that timeframe with coaching, mentoring, tutoring, graduate-school preparation, and career planning. Despite meeting all of its objectives

[25] UMass Boston's Talent Search programs in Lawrence and Charlestown have been discontinued, and their appeals have been denied. The UMass Boston Talent Search program, "Project Reach" in Boston Public Schools has been discontinued, and its appeal remains unresolved.

for retention, good academic standing, and graduate rates, the longstanding program was not selected for another round of funding. Recent participants graduated at rates almost 15 percentage points higher than other first-generation, low-income students not enrolled in the program. Likewise, Middlesex Community College's Upward Bound program, which had been in operation for twenty-five years, was discontinued, along with an Upward Bound Math & Science program. Recent participants in these programs at Lowell High School had graduation rates between 99% and 100% compared with a 73% graduation rate among their non-participating peers.

Programs are already being cut in Nevada as well. CSN ended its SSS programs, which had served thousands of students over a period of 25 years.[26] Those programs can't be replaced—as one SSS alumnus explained, "[w]hen you cut off a program like TRIO from community colleges, a lot of people won't have access to the tools they need to succeed."[27] The Department also ended a grant that provided $400,000 annually to UNLV to train the TRIO staff who support high school and college students across Southern Nevada.[28]

The loss of these decades-old programs will be felt by impacted Amici States' workforces, and by extension, those states themselves. TRIO programs directly support statewide hiring needs, particularly in high-need fields such as education, healthcare, and mental health where there are ongoing staffing gaps. The demonstrated success of these programs shows that their loss will translate into fewer students attending postsecondary education after high school, and fewer students completing their degrees, resulting in thousands—perhaps hundreds of thousands—fewer graduates to fuel state economies and address ongoing worker shortages. The reduced economic activity, in turn, will lower tax revenue, impacting Amici States' budgets. This harm is in addition

[26] Coll. S. Nev., *supra* note 18.
[27] Hernandez, *supra* note 20.
[28] *Id.*

to the more immediate harms of losing staff and shutting down longstanding programs that had become part of the fabric of these institutions and the communities they serve.[29] Ensuring a fair process for the award of TRIO funding is crucial to maintaining a robust pipeline of educated workers in Amici States, and cuts today will be felt for years to come absent intervention by this Court.

CONCLUSION

This Court should grant the Council's motion for preliminary injunction.

DATED this 27th day of October, 2025.

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[29] For example, at SUNY Plattsburgh, six employees will now lose their jobs. *See* Chapman, *supra*, note 6.

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