

# **EXHIBIT 22**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

LINDA McMAHON, *et al.*,

Defendants.

C.A. No. 1:25-cv-10601

**DECLARATION**

**DECLARATION OF DR. TONY SANDERS**

I, Dr. Tony Sanders, declare as follows:

1. I am a resident of the State of Illinois. I am over the age of 18 and have personal knowledge of all the facts stated herein. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am the State Superintendent of Education, a position I have held since 2023. As State Superintendent of Education, I am the chief executive of the Illinois State Board of Education (ISBE). Prior to holding this position, I served as the superintendent of School District U-46, the second-largest school district in Illinois, for nearly a decade.

3. As the State Superintendent of Education I have personal knowledge of the matters set forth below or have knowledge of the matters based on my review of information and records gathered by my staff.

4. I submit this declaration in connection with the announcement by the Department of Education (“the Department”) on March 11, 2025, that it would reduce its staff by approximately 50% and that this was only the “first step” to a “total shutdown” of the

Department. *U.S. Department of Education Initiates Reduction in Force*, Press Release, Department of Education (Mar. 11, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-initiates-reduction-force> (“March 11 Press Release”).

5. ISBE supports approximately 862 Local Educational Agencies (LEAs) serving more than 1.8 million public-school students in pre-kindergarten through twelfth grade. Certain federal funds for students in Illinois non-public schools are also disbursed through ISBE.

6. Given my experience, I do not think that the Department can meet its obligations to administer the programs described below.

7. The Department administers funding appropriated under Title I, Part A, of the Elementary and Secondary Education Act. The total amount of Title I funding due to ISBE in the current fiscal year is \$794,468,689. ISBE disburses 92 percent of its Title I allocation to LEAs according to a formula based on the low-income census count of each LEA. An additional seven percent goes towards school improvement activities. The remaining one percent of the grant supports ISBE’s Title I, Part A administrative activities.

8. Title I funding is vital to ensuring that children from low-income households and living in high-poverty communities have the resources needed to overcome barriers to learning and success. Any reduction or disruption of Title I funding would decrease funding to almost all of Illinois’ 851 school districts and numerous eligible nonpublic schools, impacting educational services for 908,983 (Fiscal Year (FY) 2024 count) Illinois students. It would also affect 6,380 (FY 2024 count) Title I program teachers in Illinois who provide educational programming for Title I students.

9. Title I, Part A, also provides the state administrative funding ISBE uses to provide technical support to districts for all Title I programming. If not properly administered by the

Department, funding for the 900 schools in 259 districts that are currently in school improvement status would also be jeopardized. These funds are needed to support school improvement efforts for the state's lowest performing schools. Title I funds are allocated by the U.S. Department of Education. After distributing these funds, the Department provides guidance to the State Education Agency regarding the effective use of these funds. Additionally, The Department provides technical assistance aimed at ensuring that the funds are utilized to enhance student outcomes. Resources available include technical assistance question-and-answer forum, webinars, opportunities for states to connect and collaborate, and a conference for state representatives, which offers both in-person attendance and virtual option.

10. Title I, Part C provides funding for the children of and youth working as agricultural migratory farmworkers and fishers in Illinois through the Migrant Education Program (MEP). Eligible children and youth in MEPs are highly migratory. MEP funds and services provide supplemental tutoring in math and reading, English lessons, career counseling, encourage high school completion, provide referrals to other services such as health care and nutrition, and support inter-state collaboration, among other services for children ages 3 through 21. Illinois has 1,194 identified MEP students and receives \$1,898,305 in funding. ISBE collaborates regularly with other states to ensure that MEP students receive a continuum of support as they move between states on their own or with their families.

11. The Department also administers funding appropriated under the Individuals with Disabilities Education Act (IDEA). ISBE received \$625,418,482 million during the current fiscal year under IDEA. This funding includes formula grants to Local Educational Agencies (LEAs), supplementing local funding based on the number of students each LEA identified as eligible for services; competitive grants; early childhood grants; and discretionary grants. ISBE uses

discretionary funding under IDEA to support students with disabilities in a variety of ways, including teacher training and support, assistive technology, interpreters, transitional services in partnership with the Illinois Department of Human Services (IDHS) and specialized placements of high-need students in day and residential programs. These grants also pay the salaries of approximately 50 special education staff employed by ISBE to support LEAs, students, and families. Without proper administration of these funds by the Department, it would become more difficult and costly for Illinois schools, supported by ISBE, to ensure 279,983 students with IEPs have access to a free appropriate public education as required by federal law.

12. The Department administers Elementary and Secondary School Emergency Relief (ESSER) and Homeless Children and Youth (HCY) grants under the American Rescue Plan (ARP) Act. ARP ESSER and ARP HCY grants fund post-pandemic academic recovery. ISBE receives ARP ESSER funds and disburses 90 percent of them directly to school districts based on a formula taking into account the number and percentage of low-income students each district serves. Ten percent of the grant is allocated to learning renewal initiatives. ISBE distributes ARP HCY funds to LEAs based on each LEA's proportional Title I allocation and share of children and youth identified as homeless. Consolidated access to both streams of funding is managed by the Department's Office of State and Grantee Relations. Following the announcement of the Department's Reduction in Force, ISBE has been unable to access approximately \$722,000 in ARP ESSER and HCY funding it requested on March 1, 2025, because no staff remain in the Department's Office of State and Grantee Relations.

13. The Department's Office of Special Education and Rehabilitative Services provides guidance and technical assistance to ISBE under IDEA. For example, one program under this Office, the National Technical Assistance Center on Transition, is helpful in

facilitating ISBE's partnership with IDHS to assist students with IEPs as they plan for their transition from high school to higher education or the workforce. The Department's Office of Special Education Programs provides additional guidance and technical assistance to ISBE under IDEA. Technical assistance is provided by the Center for IDEA Fiscal Reporting, ensuring IDEA funds are utilized for valid and allowable expenditures. Technical assistance is provided by the National Center for Systemic Improvement (NCSI) on general supervision system components, including integrated monitoring activities that are included in the annual LEA Determinations and cyclical monitoring. Technical assistance is also provided by the IDEA Data Center (IDC) on federally required special education data collections, State Performance Plan (SPP) indicators, and the completion of the State Performance Plan/Annual Performance Report (SPP/APR).

14. The Department also administers grants supporting English language learners and other multilingual services under Title III. 303,166 Illinois K-12 public-school students have been identified as English language learners. One quarter of Illinois students with an IEP also qualify for multilingual services, making this population especially vulnerable to decreases or delays in federal funding or support. ISBE receives \$30,379,681 in Title III funding. Ninety-five percent of Title III funding supports the Language Instruction Education Program grant for districts with English Learners and the Immigrant Student Education Program grant, which supports schools receiving students new to the country. Title III provides needed professional development opportunities for educators, enables ISBE to provide guidance, and is used to support the state's compliance monitoring efforts. The Office of English Language Acquisition (OELA) provides support and guidance related to the instruction and services for English learners, as well as other students learning additional languages. The National Clearinghouse for English Language Acquisition (NCELA) is the primary vehicle for OELA to collect and

disseminate high-quality information on English Learner instruction, research on language acquisition, toolkits for State Education Agencies and districts as well as webinars and other professional development.

15. The Department's Office of Civil Rights (OCR) investigates claims of discrimination in education, including claims that students have been discriminated against on the basis of a disability and disputes in the education context under Section 504 of the Rehabilitation Act of 1973. The Chicago, Illinois, office of OCR was closed down entirely on or about March 12, 2025. ISBE currently investigates claims arising under IDEA, primarily filed by or on behalf of students who have Individualized Education Programs (IEPs) under IDEA. ISBE experiences a high volume of IDEA claims (242 in FY 2023, 259 in FY 2024, and 215 in FY 2025 to date) and already must hire outside contractors to handle complaints beyond the capacity of the complaint investigation staff. ISBE also contracts with mediators to conduct state-sponsored mediation and hearing officers to conduct due-process hearings to resolve formal disputes under IDEA. In sum, ISBE has handled the administration or investigation of over 1,000 dispute resolution matters in each of the last two full fiscal years and is on pace to do the same during the current fiscal year. Additionally, ISBE offers state-sponsored IEP Facilitation Meetings as a form of alternative dispute resolution, which have been increasing in recent years, from 107 in FY 2023 to 161 in just the first eight and a half months of FY 2025. ISBE does not have the capacity to also investigate, mediate, or adjudicate claims of discrimination under Section 504 or other claims of educational discrimination that are currently handled by OCR. Already, with OCR having put investigation of most complaints on hold under the new administration, ISBE is experiencing an increase in technical assistance calls from parents and districts seeking help with Section 504 plans.

16. ISBE benefits from services, resources, and collaboration opportunities from the Student Privacy Policy Office's Privacy Technical Assistance Center, to ensure full compliance with FERPA in a constantly evolving data landscape. Our districts also utilize these services and resources to ensure their own compliance.

17. ISBE relies on and benefits from services, resources, and collaboration opportunities through the Institute of Education Sciences, National Center for Educational Research, National Center for Education Statistics, National Center for Education Evaluation and Regional Assistance, and National Center for Special Education Research.

18. The Institute of Education Sciences is responsible for Ed Facts reporting support, including technical and program support for the initiative to collect, analyze, and promote the use of high-quality, pre-kindergarten through grade 12 data used by many of the other Centers below.

19. The National Center for Education Statistics supports

- The Nation's Report Card, the National Assessment of Educational Progress (NAEP), and the International Activities Program, opportunities that provide valuable state, national, and international data using common metrics;
- State Longitudinal Data Systems (SLDS) support, which includes technical and program support, for states addressing longitudinal data linkage initiatives; and
- The creation of the NCES ID for all entities, including all education entities in ISBE data systems.

20. The National Center for Special Education Research, whose funding supports the National Center on Educational Outcomes, provides ISBE technical assistance on the proper identification and assessment of students with the most significant cognitive disabilities using a



state's approved alternate assessment so that the state can comply with the one-percent cap on students who may take the approved alternate assessment.

21. ISBE relies on and benefits from services, technical assistance, and other resources from the Office of Civil Rights to support our LEAs/districts as they submit their annual Civil Rights Data Collection to the Office of Civil Rights. ISBE then reports the Civil Rights Data Collection on the annual State Report Card.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 20, 2025, at Springfield, Illinois.



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Dr. Tony Sanders