

TRIO SSS Funding: Feb. 1 Deadline for Schools to Seek Relief

January 23, 2026

On January 16, 2026, the U.S. District Court for the District of Columbia issued a preliminary injunction in *Council for Opportunity in Education v. U.S. Department of Education*, finding the U.S. Department of Education (the “Department”) likely acted unlawfully when it discontinued funding for certain TRIO Student Support Services (“SSS”) programs. TRIO refers to a set of federally funded programs that promote college access, retention, and completion for low-income, first generation, and other historically underserved students. SSS, in particular, provides institutions with funding to deliver targeted student support services. The court concluded that the Department’s actions – both in the denial of applications for new SSS programs and the discontinuation of existing SSS grants – were likely to be held to be arbitrary and capricious due to vague decision letters and an apparent failure to follow required procedures.

The relief, however, is narrowly tailored and currently applies only to members of the Council for Opportunity in Education (“Council”) that submitted declarations demonstrating specific, irreparable harm. The court created a pathway for other affected institutions to obtain protection under the injunction, however, through the Council’s motion to modify its scope. Any such materials must be filed by **February 1, 2026**, and supported by declarations from institutions seeking to be included.

For institutions that have received SSS funding denial or discontinuation letters, the court’s order creates a narrow, time-sensitive opportunity to be included in potential injunctive protection and relief, while the litigation proceeds.

Background:

The court’s decision arises from two consolidated challenges brought by the Council to the Department’s recent SSS-related funding decisions. First, the Council challenged the Department’s denial of certain applications for new FY 2025 SSS grants, where denial letters cited unspecified “potential conflicts” with the Trump Administration’s non-discrimination requirements. Second, the Council challenged the Department’s discontinuation of existing, multi-year SSS grant funding—often mid-project period—based on similarly generalized assertions that the funded activities conflicted with federal civil rights law, the Administration’s policies, and the “best interest of the Federal Government.”

The Court’s Injunction: An Extraordinary but Limited Remedy

The court granted the preliminary injunction based on its findings that the Plaintiffs demonstrated both a likelihood of success on the merits and irreparable harm.

The court found the Department’s denial and discontinuation letters were conclusory and failed to articulate a “rational connection between the facts found and the choice made,” noting that it was “left to wonder” about the Department’s actual reasoning for changing the funding continuation criteria. To the extent the Department’s decisions were based on alleged non-compliance with Title VI or Title IX, the court determined the Department failed to follow the mandatory statutory procedures, which require notice, an opportunity for a hearing, and an attempt to secure voluntary compliance before terminating funds. Similarly, the court found the Department arbitrarily departed from its past practice of evaluating grantees on performance metrics and, instead, applied new, unstated policy priorities retroactively without a reasoned explanation.

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The court also concluded that Plaintiffs demonstrated irreparable harm absent injunctive relief. Although many of the harms flowed from the loss of grant funding, the court emphasized that the impacts were immediate and operational – including program shut-downs or disruption, staff layoffs, and the inability to deliver essential student support services. The court further reasoned that because sovereign immunity would likely bar any later recovery of damages, the loss of funding would not be meaningfully remediable after the fact. The court further credited evidence of reputational harm and the disruption of services to the students SSS programs are designed to serve.

Nonetheless, the court limited the injunction to those Counsel member institutions who submitted sworn declarations establishing specific, irreparable harm (e.g., program shutdowns, staff layoffs, and an inability to serve students). The court declined to extend relief more broadly, emphasizing that it could not assume other institutions faced the same degree of harm without institution-specific evidence. At the same time, the court’s accompanying Order provides the narrow pathway for additional affected institutions to seek protection under the injunction as described above.

Next Steps:

Institutions whose SSS funding has been denied or discontinued have a narrow window to act:

- Determine whether your institution has suffered irreparable harm from the loss of funding. This includes, among other things, program terminations, staff layoffs, and loss of student services.
- Given the **February 1, 2026, deadline**, immediately contact the Council for Opportunity in Education or your Miller Canfield attorney to discuss the process for preparing and submitting a declaration of harm to be included in the forthcoming motion. Any formal legal attestation should be tailored to reflect the facts specific to your institution and reviewed by legal counsel.