



STATE OF CONNECTICUT

STATE BOARD OF EDUCATION



CLARIFICATION OF FEBRUARY 14, 2025, OFFICE FOR CIVIL RIGHTS' DEAR COLLEAGUE LETTER

On February 14, 2025, the United States Department of Education's Office for Civil Rights ["OCR"] issued a "Dear Colleague" letter ["Letter"] addressing educational entities' obligations under Title VI of the Civil Rights Act of 1964 as well as the Fourteenth Amendment's Equal Protection Clause.¹ The Letter's reference to Diversity, Equity, and Inclusion ["DEI"] programs has raised questions regarding its force and effect. To provide greater clarity, it is important to consider the Letter in the context of current law and what the Letter actually provides. To that end:

1. Federal law prohibits an officer or employee of the federal government from using a grant, contract, or cooperative agreement as a means of mandating, directing, or controlling a State, local educational agency, or school's curriculum or program of instruction. 20 U.S.C. §7907. The same federal law also prohibits the United States Department of Education, including OCR, from using a grant, contract, or cooperative agreement as a means of endorsing, requiring, or sanctioning any curriculum.
2. Federal funding cannot be terminated without a specified, multi-step legal process that includes the opportunity for a hearing and, if there is a finding adverse to the federal fund recipient after that hearing, and the United States Attorney General's subsequent approval of such termination.
3. The Letter expressly states that it "does not have the force and effect of law and *does not . . . create new legal standards*" (emphasis added). Instead, the Letter "reiterates existing legal requirements under Title VI of the Civil Rights Act of 1964," namely that Title VI applies to *all* students regardless of race, color, or national origin.²
4. The Letter does **not** order schools and school districts to terminate DEI programs within fourteen days. What it does warn against is DEI programs that give "preference [to] certain racial groups and teach students that certain racial groups bear unique moral burdens that others do not." In other words, if an educational entity gives preferential – or adverse -- treatment to any student, or body of students, based on their race, color, or national origin, either through DEI initiatives or otherwise, and if that disparity in treatment deprives a student, or body of students, of an educational benefit, that is a violation of Title VI.
5. The fourteen days referenced in the Letter is, again, **not** a cutoff date for DEI initiatives; rather, it is the date after which OCR will include within assessments of Title VI compliance whether school or district DEI programs or other policies favor or disfavor a student or body of students based upon race, color, or national origin.

As is true with any legal directives issued by either the federal or state government, you are encouraged to consult with your legal counsel regarding any specific effects this Letter may have on your school or district. If you have any questions for the CSDE, please feel free to contact the Department's Legal Director, Michael P. McKeon, at mike.mckeeon@ct.gov.

¹Despite this reference to the Equal Protection Clause, OCR's focus is on Title VI, the enforcement of which falls within its jurisdiction.

²The relevant provision of Title VI provides:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

42 U.S.C. §2000d