



## U.S. DEPARTMENT OF EDUCATION TITLE VI CERTIFICATION REQUIREMENT

*Apr 11, 2025*

On April 3, 2025, the U.S. Department of Education (USDOE) sent a letter to state education agencies (SEAs) requiring them to certify compliance with federal civil rights laws, including Title VI of the Civil Rights Act of 1964 and the 2023 *Students for Fair Admissions v. Harvard* decision. USDOE has indicated that this certification is necessary for continued federal funding.

States have responded differently, with some agreeing to sign the certification and others questioning the USDOE's authority and clarity. The Ohio Department of Education and Workforce (ODEW) has requested that Ohio school districts submit their signed certification by Friday, April 18, 2025, to avoid any disruption in federal funding. Ohio districts are being asked to certify that they have received the certification and that they are in compliance with the USDOE interpretation of both the requirements of Title VI and the holding in *SFFA v. Harvard*.

The certification focuses on the administration's position that the *SFFA v. Harvard* ruling applies to DEI programs, stating that using DEI programs to favor one race over another is impermissible under Title VI. While the full scope of consequences for failing to sign the certification are not certain, the USDOE letter makes clear that districts risk the loss of federal funding for failing to do so.

Before signing, districts should review the following:

- Board policies
- Administrative guidelines
- Website content
- Mission statement
- Job titles and descriptions
- Student policies
- Emails and newsletters
- Committees, clubs, and student programs
- Scholarships
- Class offerings
- Physical facilities, signs, and logos
- Race, national origin, and LGBTQ+ policies

Unless a court issues an injunction, districts will need to sign the certification. A federal case, *National Education Association v. U.S. Department of Education*, is pending in New Hampshire, challenging the enforceability of the USDOE's Dear Colleague Letter.

On April 9, 2025, the plaintiffs reached an agreement with USDOE, which included the following:

### Final Agreement:

- **USDOE will not act on any certifications or related communications until after the April 24, 2025.**
- Certifications will not be effective until after April 24, 2025, and cannot be used for enforcement actions or liability.
- USDOE will not take action based on the Dear Colleague Letter until after April 24, 2025, but may still enforce Title VI in general.
- States must notify all LEAs of this by April 10, 2025.





The court will hear arguments on April 17, 2025, regarding the preliminary injunction for the Dear Colleague Letter, which will determine how districts proceed. **As of publication, it remains unclear whether ODEW will extend their certification submission deadline to April 24, 2025, to coincide with the Final Agreement discussed above.**

If you have questions about how this development may affect your district or need assistance navigating next steps, please contact your Roetzel attorney.

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