

March 17, 2025

Acting Assistant Secretary of Civil Rights Craig Trainor
U.S. Department of Education
400 Maryland Ave SW
Washington, DC 20202

RE: February 14, 2025, “Dear Colleague” Letter and March 1, 2025, Frequently Asked Questions (FAQ)

Dear Acting Assistant Secretary of Civil Rights Craig Trainor:

We urge you to rescind your February 14, 2025, “Dear Colleague” letter¹ as well as the Frequently Asked Questions (FAQ) document released on March 1, 2025,² in connection with that letter. These documents propose a radical and inaccurate interpretation of federal law that will increase segregation and inequality in PK-12 schools and higher education institutions. Your letter threatens to cut funding to schools that address barriers to equal educational opportunities and create learning environments where every student can thrive. The undersigned civil rights organizations have worked for decades to increase equal access to education for Black, Latino, Asian American, white, and Indigenous children; girls; children with disabilities; LGBTQ+ youth; and students with these intersecting identities. Your recent guidance will undo that progress. In order for U.S. Department of Education’s Office of Civil Rights (ED OCR) to fulfill its mission, you must reverse course.

ED OCR is charged with ensuring equal access to education through vigorous enforcement of federal civil rights laws, such as Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990. These federal laws were passed to halt and repair discrimination that prevented generations of Black and Brown children, girls, children with disabilities, and LGBTQ+ youth from achieving their full potential. Yet your office now seeks to weaponize those laws against the very groups they were intended to protect and promote the very discrimination your office is charged with eliminating.

To do so, your February 14, 2025, “Dear Colleague” letter advances a false narrative that white and Asian American students are uniquely disadvantaged. The reality is that, more than seventy years after the gains that followed *Brown v. Board of Education*,³ many Black and Brown students attend segregated schools where they are denied the same resources as their

¹ U.S. Dep’t of Ed., Dear Colleague Letter: Title VI of the Civil Rights Act in Light of Students for Fair Admissions v. Harvard issued by the U.S. Department of Education’s Office for Civil Rights (OCR) (Feb. 14, 2025), <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf> (hereinafter “DCL”).

² U.S. Dep’t of Ed., Frequently Asked Questions About Racial Preferences and Stereotypes Under Title VI of the Civil Rights Act (Mar. 1, 2025), <https://www.ed.gov/media/document/frequently-asked-questions-about-racial-preferences-and-stereotypes-under-title-vi-of-civil-rights-act-109530.pdf> (hereinafter “FAQ”).

³ 47 U.S. 483 (1954).

peers. During the 2020-21 school year, more than a third of students—about 18.5 million—attended schools where seventy-five percent or more students were of a single race or ethnicity.⁴ Racially segregated schools where the majority of students are Black and Latino often report significant disparities in academic outcomes,⁵ due to less access to experienced teachers,⁶ high-quality instructional materials, adequate facilities,⁷ and the kinds of courses that higher education institutions look to as traditional indicators of merit, such as AP coursework⁸ and a full range of math and science courses, including calculus.⁹ This systemic inequality in accessing educational resources persists even when controlling for other variables, like socioeconomic status.¹⁰ Many Asian American¹¹ and Latino students experience additional barriers, including language access issues. Moreover, higher educational institutions, particularly selective public and private colleges and universities that often serve as gateways to leadership positions, continue to admit students of color at far lower rates compared to their proportion of the college-age population¹²--despite the talents of those applicants.

The purpose of ED OCR's false narrative is to divide parents and students in order to advance the Trump administration's goals: to end the federal grants that local communities

⁴ See U.S. Gov't Accountability Off., GAO-22-104737, Student Population Has Significantly Diversified, but Many Schools Remain Divided Along Racial, Ethnic, and Economic Lines 11 (June 2022), <https://www.gao.gov/assets/gao-22-104737.pdf>.

⁵ Roslyn A. Mickelson, School Integration and K-12 Outcomes: An Updated Quick Synthesis of the Social Science Evidence, Nat'l Coal. on Sch. Diversity (2016) <https://eric.ed.gov/?id=ED571629>.

⁶ Ed. Trust, As Districts Face Teacher Shortages, Black and Latino Students Are More Likely to Have Novice Teachers Than Their White Peers (Dec. 15, 2021), <https://edtrust.org/press-release/as-districts-face-teacher-shortages-black-and-latino-students-are-more-likely-to-have-novice-teachers-than-their-white-peers/#:~:text=Not%20only%20do%20Black%20students,5%25%20of%20first%20year%20teachers>.

⁷ Chris Hacker, *Majority-Black school districts have far less money to invest in buildings — and students are feeling the impact*, CBS News (Sept. 14, 2023), <https://www.cbsnews.com/news/black-school-districts-funding-state-budgets-students-impact/>.

⁸ Roby Chatterji, *Closing Advanced Coursework Equity Gaps for All Students*, CTR. FOR AM. PROGRESS (Jun. 30, 2021), <https://www.americanprogress.org/article/closing-advanced-coursework-equity-gaps-students/>

⁹ For example, approximately 35 percent of high schools with large percentages of Black and Latinx students offered calculus, compared to 54 percent of high schools with small percentages of Black and Latinx students. Press Release, U.S. Education Department's Office for Civil Rights Releases New Civil Rights Data on Students' Access to Educational Opportunities During the Pandemic (Nov. 15, 2023), <https://www.ed.gov/news/press-releases/us-education-departments-office-civil-rights-releases-new-civil-rights-data-students%E2%80%99-access-educational-opportunities-during-pandemic>; RHONDA TSOI-A-FATT BRYANT, CLASP, COLLEGE PREPARATION FOR AFRICAN AMERICAN STUDENTS: GAPS IN THE HIGH SCHOOL EDUCATIONAL EXPERIENCE (2015), https://uncf.org/wp-content/uploads/PDFs/College-readiness2-2.pdf?_ga=2.194578733.1485447541.1710261450-497969461.1710261450.

¹⁰ NICHOLAS P. TRIPLETT & JAMES E. FORD, E(RACE)ING INEQUITIES: THE STATE OF RACIAL EQUITY IN NORTH CAROLINA PUBLIC SCHOOLS, CTR. FOR RACIAL EQUITY IN EDUC. (2019), https://www.ednc.org/wpcontent/uploads/2019/08/EducationNC_Eraceing-Inequities.pdf.

¹¹ ROBY CHATTERJI & JESSICA YIN, CENTER FOR AM. PROGRESS, EDUCATION POLICIES NEED TO ADDRESS THE UNIQUE NEEDS OF ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES (Jan. 26, 2022), <https://www.americanprogress.org/article/education-policies-need-to-address-the-unique-needs-of-asian-american-and-pacific-islander-communities/>.

¹² UNIDOSUS, FOLLOWING THEIR DREAMS IN AN INEQUITABLE SYSTEM: LATINO STUDENTS SHARE THEIR COLLEGE EXPERIENCE (2021), https://unidosus.org/wp-content/uploads/2021/07/unidosus_followingtheirdreams_lr.pdf; Jeremy Ashkenas, et al., *Even With Affirmative Action, Blacks and Hispanics Are More Underrepresented at Top Colleges Than 35 Years Ago*, N.Y. TIMES (Aug. 24, 2017), <https://www.nytimes.com/interactive/2017/08/24/us/affirmative-action.html>. The Supreme Court invalidated the University of North Carolina's affirmative action policy even though that institution admitted underrepresented students of color, including Black, Latinx, Hawaiian/Pacific Islander, and Native students, "at lower rates than their white and Asian American counterparts, and those with the highest grades and SAT scores [we]re denied twice as often as their white and Asian American peers." *Students for Fair Admissions v. University of North Carolina*, 567 F. Supp. 3d 580, 666-67 (M.D.N.C. 2021), *overruled by Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023).

across the country rely on to fund their schools, restrict educational opportunities to the wealthy and powerful who can afford private education, and willfully ignore the discrimination and segregation that continues to harm Black and Brown communities. In fact, during Fiscal Year 2024 alone, OCR received nearly 23,000 complaints overall— a new record high.¹³ Of those complaints, 37% (8,457) alleged disability discrimination and 19% (4,307) contained allegations of discrimination on the basis of race, color, or national origin.¹⁴ Your letter threatens to halt funding for schools that advance equal opportunity based on inaccurate statements of fact and federal law:

- You argue that diversity, equity, inclusion, and accessibility efforts are unlawful because they frequently involve racial preferences.¹⁵ Yet diversity, equity, inclusion, and accessibility programs and initiatives are not preferences or quotas. Programs that advance equity and are open to all remain lawful, including pathway programs that expose all students to science, technology, engineering and math careers; broad outreach and recruitment measures to expand the college applicant pool; voluntary affinity groups that any student can join; sexual harassment and antidiscrimination trainings; and mentoring programs. As you yourself note, race-targeted programs that address discrimination are also lawful.
- You claim that diversity is not a compelling interest that can justify race-conscious admissions policies.¹⁶ Yet in *Students for Fair Admissions v. President & Fellows of Harvard College/University of North Carolina (“SFFA”)*,¹⁷ the Supreme Court reaffirmed that the benefits of diversity are “plainly worthy” and “commendable goals” for universities to pursue.¹⁸ Prior cases that established that diversity is a compelling interest in higher education admissions remain binding precedent.
- You claim that many efforts that do not consider race—such as efforts to remove standardized testing requirements—in fact involve the unlawful use of racial proxies.¹⁹

¹³ U.S. Dep’t of Educ., Off. for C.R., 2024 Fiscal Year Annual Report 8 (2024),

<https://www.ed.gov/media/document/ocr-report-president-and-secretary-of-education-2024>.

¹⁴ These include a complaint filed against the Southwick-Tolland Granville School District in Massachusetts where Black students were repeatedly called a racial epithet and were subjected to a racially hostile school environment where white students held a “slave auction” where they could bid on the school’s Black students. *Black Student Sold at Mock “Slave Auction” Files Federal Discrimination Complaint*, Laws. For C.R. (Apr. 29, 2024), <https://lawyersforcivilrights.org/our-impact/education/black-student-sold-at-mock-slave-auction-files-federal-discrimination-complaint-ag/>. Similarly, LDF has represented impacted students and families against Carroll Independent School District in Texas alleging violations of Title VI (Complaint No. 06-21-1301) and of Title IX (Complaint No. 06-21-1302) based on egregious race and sex discrimination. One student was regularly called “nigger” and other slurs, including “porch monkey” and “Black fuck.” Another student was called “dumb cunt,” was subject to unwelcome and degrading sexual remarks, and physically attacked in the hallway. The local school district was aware of and failed to appropriately address and, in some instances, condoned the harassment. As a result, both students struggled in school and suffered from mental health harms.

¹⁵ DCL at 3.

¹⁶ *Id.* at 2.

¹⁷ 600 U.S. 181 (2023).

¹⁸ *Id.* at 213-14.

¹⁹ FAQ at 3.

Yet courts have routinely held that schools can use such race-neutral measures to level the playing field.²⁰

- Finally, you claim that schools “may not use students’ personal essays or other cues as a means of determining or predicting a student’s race and favoring or disfavoring such students.”²¹ Yet there are lawful reasons for a school to consider an applicant’s whole truth, including what they share about their race, and the Supreme Court made clear that its *Students for Fair Admissions* decision did not “prohibit[. . .] universities from considering an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise.”²²

The plain intent of these baseless claims is to chill lawful conduct in which schools have engaged for decades to improve civil rights compliance and student outcomes. Rather than correcting these misstatements or clarifying your view about what schools must do to comply with Title VI, the FAQ amplifies and reiterates these false arguments and creates further confusion.²³

As you know, ‘Dear Colleague’ letters cannot rewrite Title VI and other federal civil rights laws or the U.S. Constitution. Despite ED OCR’s intent to use this letter and FAQ to interpret and implement Title VI—and explicitly calling for schools to immediately cease or change programs and policies that are within the bounds of the law—the letter and FAQ were issued without any process. Should ED OCR attempt to halt funding to a school engaged in lawful efforts to ensure equal opportunity, that action can be challenged in court. ED OCR cannot unilaterally impose the Trump administration’s inaccurate views of the law on the nation.

In order to fulfill its duty, ED OCR must work to eliminate barriers to educational opportunity for all students, not uphold the privilege of some students over others. Your February 14, 2025 “Dear Colleague” seeks to turn our communities against each other in order to advance President Trump’s agenda—to the detriment of all students in the country. We will not be divided. We urge you to withdraw your fallacious and overreaching guidance.

Thank you.

Sincerely,

²⁰ See, e.g., *Bos. Parent Coal. for Acad. Excellence Corp. v. Sch. Comm. for City of Bos.*, 89 F.4th 46, 61 (1st Cir. 2023), cert. denied, No. 23-1137, 2024 WL 5036302 (U.S. Dec. 9, 2024) (“[W]e find no reason to conclude that *Students for Fair Admissions* changed the law governing the constitutionality of facially neutral, valid . . . admissions policies under equal protection principles.”); *Students for Fair Admissions*, 600 U.S. at 317 (Kavanaugh, J., concurring) (“[R]acial discrimination still occurs and the effects of past racial discrimination persist . . . And governments . . . still ‘can, of course, act to undo the effects of past discrimination in many permissible ways that do not involve classification by race.’”); *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 788-89 (2007) (Kennedy, J., concurring in part and concurring in judgment).

²¹ FAQ at 2-3.

²² *SFFA*, 600 U.S. at 230.

²³ For example, the FAQ explains that, in ED OCR’s view, “whether a policy or program violates Title VI does not depend on the use of specific terminology such as ‘diversity,’ ‘equity,’ or ‘inclusion’” and claims that the “social-emotional learning,” “‘culturally responsive’ teaching” could constitute discrimination. FAQ at 5-6. The FAQ also calls into question admissions interviews because they allow the interviewer to “visually assess an applicant’s race”—regardless of whether race is considered in the admissions process and ignoring the fact that such interviews have long been relied on by schools.

NAACP Legal Defense and Educational Fund, Inc.
Asian Americans Advancing Justice | AAJC
LatinoJustice PRLDEF
The Leadership Conference on Civil and Human Rights
National Center for Lesbian Rights
National Women's Law Center
Advocates for Trans Equality
African American Policy Forum
American Association of University Women (AAUW)
American Atheists
American Humanist Association
Arab American institute (AAI)
Asbury United Methodist Church--DC
Asian Pacific American Public Affairs (APAPA)
Asian Pacific Americans in Higher Education
Autistic Self Advocacy Network
Autistic Women & Nonbinary Network
Bazelon Center for Mental Health Law
Chinese for Affirmative Action
Clearinghouse on Women's Issues
Deb Dagit Diversity LLC
Disability Rights Education & Defense Fund
EdTrust
Education Law Center-PA
Empowering Pacific Islander Communities (EPIC)
Equal Justice Society
Equal Rights Advocates
Equality California
Faithful Democracy
Feminist Majority Foundation
Fund for Leadership, Equity, Access and Diversity (LEAD Fund)
Human Rights Campaign
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MALDEF
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NAACP
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National Center for Youth Law
National Council of Asian Pacific Americans (NCAPA)
National Korean American Service and Education Consortium
National Organization for Women

National Partnership for Women & Families
National Queer Asian Pacific Islander Alliance
National Urban League
NETWORK Lobby for Catholic Social Justice
OCA - Asian Pacific American Advocates
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