

The Trump-Vance Administration Cannot Enforce Their “Dear Colleague Letter” or Certification Requirement: What This Means for Educators and Schools

February 2026

In February 2025, the U.S. Department of Education issued a [Dear Colleague Letter](#) (DCL) threatening to withhold funding from any school that acknowledged race, provided support to students that acknowledged race, taught accurate history classes, and undertook other lawful activities. The Department also [required](#) certification that states and schools would not conduct so-called “illegal DEI” (diversity, equity, and inclusion). **These documents have been struck down in court and the government has abandoned its appeal. This means the Department cannot enforce the “Dear Colleague Letter” or Certification Requirement against any school district, school, or educator.**

What the DCL and Certification Requirement tried to do:

- The DCL baselessly asserted that it violated federal civil rights law for any school (whether pre-K, K-12, or higher education) to:
 - Acknowledge race in its lessons, such as teaching accurate history or sociology;
 - Provide any support for students of diverse backgrounds that acknowledges racial or ethnic identity, such as a Black students association or Asian American students club;
 - Support any programs designed to increase diversity, equity, and inclusion;
 - Implement race-neutral approaches to promote diversity.
- The DCL threatened schools with loss of federal funding for any of the above lawful activities.
- The Department also required certification that schools and states would adhere to the administration’s baseless interpretation of civil rights law.

The legal challenge:

- In February 2025, a coalition of educators, teachers, sociologists, and schools, represented by Democracy Forward Foundation, filed a lawsuit challenging the DCL, and then later, the Certification Requirement ([AFT v. Department of Education](#)).
- In August 2025, a federal court [held](#) that the DCL and the Certification Requirement are not valid and cannot be enforced nationwide. The administration appealed (that is, challenged) that ruling.
- In January 2026, the government [agreed](#) to stop fighting this ruling and therefore acknowledged that the DCL and Certification Requirement cannot be enforced.

What this means for educators and schools:

- Acknowledging and discussing race in a school setting continues to be lawful.
- Teaching about race, racism, inequality, and related issues continues to be lawful.
- Supporting students in a way that acknowledges racial or ethnic identities (such as an Asian American student association that is open to all students) continues to be lawful.
- Schools may continue operating programs that encourage diversity, equity, and inclusion in accordance with existing law.
- The DCL and the Certification Requirement cannot be enforced against educators or schools.
- That said, this administration likely will try to curb programs that support diversity, equity, and inclusion in other ways.
- If a school has instituted policies to comply with this DCL and Certification Requirement, their leadership may want to be aware of this decision, assess their policies, and consult with counsel.

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