Federal Court Vacates Trump Administration's Diversity Guidance for Schools

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On August 14, 2025, the U.S. District Court for the District of Maryland vacated the Department of Education's February 14, 2025, "Dear Colleague Letter" (the "Letter") and Title VI certification requirement for states and schools issued on April 3, 2025 (the "Certification Requirement").

The Letter condemned what it described as educational institutions' recent "embrace of pervasive and repugnant race-based preferences and other forms of racial discrimination." It proscribed the use of race as a factor in admissions, financial aid, or any other educational programming. According to the Letter, even practices that appear neutral on their face may in fact violate the law. The Letter cited eliminating standardized testing to increase diversity and programs implying that some racial groups bear unique moral burdens as actions that would be subject to enforcement actions. The Department represented that it issued the Letter to convey its interpretation of the Supreme Court's ruling in *Students for Fair Admission v. Harvard ("SFFA")*, though the Court found the Letter instead imposed entirely new legal obligations on schools.

The Certification Requirement dictated both school districts and states receiving federal funding must certify in writing their compliance with the Department's interpretation of Title VI and *SFFA*, underscoring the Letter as "background" for the requirement. The Department threatened that failure to comply could result in termination of federal funding, forfeiture of previously issued funding and liability under the False Claims Act.

Plaintiffs in the suit, three teachers' unions and an Oregon school district, successfully argued that both the Letter and the Certification

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Requirement were procedurally and substantively improper under the Administrative Procedure Act (the "APA") and the U.S. Constitution.

The APA requires administrative agencies to undergo a methodical process before implementing final agency actions, including a notice and comment period. A change in an agency's position like those reflected by the Letter and Certification Requirement must be accompanied by an explanation for the change, as well as supportive factual findings and evidence. The Department did not follow any steps in the prescribed process when it issued the Letter and Certification Requirement. In doing so, it rendered both actions arbitrary and capricious under the law, and, according to the Court, "failed to consider a number of required factors (or, indeed, to consider anything at all)."

In addition to the procedural deficiencies, the Court held the Department's actions were substantively flawed as well. Both the Letter and the Certification Requirement were held to be unconstitutionally vague, in violation of the Fifth Amendment's Due Process Clause. The Letter was also found to both exceed the Department's statutory authority and run afoul of the First Amendment because it constituted "textbook viewpoint discrimination."

In light of the above holdings, the Court vacated both the Letter and the Certification requirement. In doing so, it distinguished vacatur from nationwide injunctions, which were expressly prohibited by the Supreme Court in its *Trump v. CASA* decision issued in June 2025.

In practice, this means that schools and states will no longer be required to submit the Certification Requirement or adhere to the positions outlined in the Dear Colleague Letter.

Please do not hesitate to contact any member of our Education Law Group should you have any questions about this decision or other Title VI obligations.

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