



Education Department Conditions K-12 Federal Funding on Ending DEI Programs

Updated 08 April 2025

Action: On April 3, the US Department of Education sent a letter to State Commissioners overseeing K-12 State Education Agencies announcing that states must certify "compliance with their antidiscrimination obligations in order to continue receiving federal financial assistance." The Department outlined a number of assurances in a [short certification form](#) expected to be returned by April 13, 10 days after the initial notice. The document references Title VI of the Civil Rights Act, which prohibits discrimination, as well as the Supreme Court decision in [Students for Fair Admissions v. President and Fellows of Harvard College](#), which overturned most race-based affirmative action programs in college admissions, to underscore its view of state legal obligations and to justify the request for certification.

Key Insights

- The Department's action was foreshadowed by the President's prior [Executive Order](#) on "Ending Radical Indoctrination in K-12 Schooling" in January which directed agency leaders, including the Secretary of Education, to develop a plan to eliminate Federal funding for states that allow DEI practices.
- The letter reiterates the messaging included in a [Dear Colleague Letter](#) sent to states on February 14 to notify them of the requirement to cease using race preferences and stereotypes, primarily targeting higher education institutions.
- The Administration's use of the [Students for Fair Admissions](#) case in this K-12

context signals that it will likely seek to expand the precedent of that case beyond its narrow holding on college admissions.

- The State of New York has [declined to sign](#) the new certification citing the duplicative nature of the requirement with existing certifications and challenging the Education Department's legal right to withhold Federal funding based on its own interpretation of the law. The Administration's challenge to DEI and similar efforts is also being contested through a lawsuit led by the American Federation of Teachers.
- Federal funding makes up about 10% of overall school budgets nationally, but the proportion is significantly higher for low-income districts benefiting from the [Title I](#) program.

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