

CASB BRIEF - March 4 Vol. 28



Legal Newsletter

New Title VI “Dear Colleague Letter,” FAQ Document, and What Districts Need to Know

On February 14, 2025, the U.S. Department of Education’s Office for Civil Rights (OCR) released a [“Dear Colleague Letter”](#) outlining its interpretation of Title VI, which prohibits discrimination based on race, color, or national origin in federally funded programs. Last Friday, OCR released a [FAQ document](#) with more information about the letter.

The letter expands on the Supreme Court’s decision in *Students for Fair Admissions v. Harvard*, which struck down race-based affirmative action in college admissions. It states that K-12 schools must not consider race in **any** programs or activities, including admissions, hiring, promotions, scholarships, and other operations. This interpretation may extend beyond the Harvard decision.

Districts have questioned how the letter affects Diversity, Equity, and Inclusion (DEI) programs. OCR’s [FAQ document](#) addresses this question, stating that “whether a policy or program violates Title VI does not depend on the use of specific terminology such as ‘diversity,’ ‘equity,’ or ‘inclusion.’” It also states that “educational, cultural, or historical observances,” like Black History Month and other similar events are not prohibited so long as they do not engage in “racial exclusion or discrimination.” Many other questions regarding the letters are addressed in the FAQ, and districts should review it for more information.

Finally, districts should remember that a Dear Colleague Letter, and corresponding FAQ documents, cannot create new law. These letters explain how OCR interprets existing law, but do not have the force of law on their own. If OCR believes a school is out of compliance, it must follow specific enforcement steps, such as providing notice, and offering a chance to resolve issues voluntarily before OCR can initiate proceedings to potentially remove or limit federal funding. School leadership should review their policies and consult with their attorneys to determine if any actions must be taken as a result of the Dear Colleague Letter.

Supreme Court Decision Could Mean Refunds for Schools Overcharged by E-Rate Providers — but the Program’s Future Remains Uncertain

On February 21, 2025, the U.S. Supreme Court ruled unanimously in *Wisconsin Bell, Inc. v. United States ex rel. Heath* that requests for reimbursement under the **E-Rate program**, which helps schools obtain affordable broadband, can qualify as “claims” under the False Claims Act (FCA), the federal law that penalizes false or fraudulent claims for government funds.

The decision means E-Rate service providers could face penalties if they knowingly overcharge schools. This could allow schools to seek refunds from providers who have inflated their rates for broadband services. However, despite this ruling, the future of the E-Rate program itself is uncertain. The program’s funding structure will be considered in another pending Supreme Court case, *Federal Communications Commission v. Consumers’ Research*, which could significantly reshape or even eliminate the program.

We’ll continue to monitor developments and provide updates.

Title IX: Resource for Recent Changes

Title IX regulations have been substantially modified in the last year. For a helpful breakdown of what’s changed and how it may affect schools, check out recent guidance from the Council of School Attorneys (COSA) [here](#). Keep in mind that Colorado law still prohibits gender identity harassment, despite any changes to the federal standards. CASB also released an SPU with updated Title IX policies, which can be found [here](#).

Immigration Resources

We have received questions on how to draft board resolutions in support of immigrant students. For resolutions and statements from Colorado districts that can be used as an example, [review this article](#).

Elections Updates: Recording + New Email List for DEOs

We recently partnered with the Colorado Secretary of State’s office to host an Elections Seminar to help Designated Election Officials (DEOs) and candidates gear up for the 2025 school board elections. If you missed the session, you can watch the recording [here](#).

We’re also launching a **DEO email list** to provide regular updates regarding election deadlines, procedures, and other important information. To join, click [here](#).