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LOUISIANA DEPARTMENT OF EDUCATION

DATE: February 19, 2025
TO: System Leaders
FROM: Dr. Cade Brumley, State Superintendent of Education *Per Cade Brumley*
SUBJECT: The United States Department of Education's Guidance on Nondiscrimination Obligations of K-12 Schools

The United States Department of Education (ED) has issued clarifying [guidance](#)¹ regarding “existing legal requirements under Title IV, the Equal Protection Clause, and other federal civil rights and constitutional law principles.” Citing *Students for Fair Admissions v. Harvard*², ED states that “[i]f an educational institution treats a person of one race differently than it treats another person because of that person’s race, the education institution violates the law.” Therefore, federal law prevents educational institutions using race in decisions pertaining to:

Admissions, hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life.³

Also, ED advises all educational institutions to:

(1) ensure that their policies and actions comply with existing civil rights law; (2) cease all efforts to circumvent prohibitions on the use of race by relying on proxies or other indirect means to accomplish such ends; and (3) cease all reliance on third-party contractors, clearinghouses, or aggregators that are being used by institutions in an effort to circumvent prohibited uses of race.⁴

Citing a desire to create school environments free from discrimination, ED seeks to “vigorously enforce the law” and to “take appropriate measures to assess compliance.” Violations could result in a loss of federal funding.

The Louisiana Department of Education (LDOE) agrees with ED’s guidance and belief that “[d]iscrimination [under any banner] on the basis of race, color, or national origin is illegal and morally reprehensible.” Furthermore, LDOE commends Governor Landry for his proactive Executive Order⁵ as well as his unwavering support of LDOE’s work to stop inherently divisive concepts, like Diversity, Equity, and Inclusion (DEI), from infiltrating Louisiana’s K-12 public education system.

There is a compelling national interest to ensure educational institutions are non-discriminatory in nature. Further, in Louisiana, access to educational programming should affirm equal protection under the law and a desire to honor meritocracy of student achievement. Over the coming weeks, I encourage⁶ you to review efforts, initiatives, programs, awards, and other matters under your purview to ensure they comply with local, state, and federal law.

CC: Governor Jeff Landry
Attorney General Liz Murrill
Representative Laurie Schlegel, House Education Chair
Senator Rick Edmonds, Senate Education Chair
Members of the Louisiana State Board of Elementary and Secondary Education (BESE)

¹ <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>.

² *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023).

³ <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>.

⁴ <https://www.ed.gov/media/document/dear-colleague-letter-sffa-v-harvard-109506.pdf>.

⁵ *Executive Order JML 24-132: Preventing the Use of Critical Race Theory in Louisiana’s K-12 Public Education System.*

<https://gov.louisiana.gov/assets/ExecutiveOrders/2024/JML-Executive-Order-132.pdf>.

⁶ This letter is not intended as legal advice. Please seek support from your counsel as appropriate.