



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING


GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: April 10, 2025

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: Michael F. Rice, Ph.D. 
State Superintendent

SUBJECT: Response to U.S. Department of Education Request for Title VI Compliance Recertification

On Thursday, April 3, 2025, the Michigan Department of Education (MDE) and other state education agencies received an unsigned email from the U.S. Department of Education (USDOE) Office of Civil Rights that requested that MDE certify both state and local education agency compliance with anti-discrimination requirements included in the attached [Reminder of Legal Obligations Undertaken in Exchange for Receiving Federal Financial Assistance and Request for Certification under Title VI and SFFA v. Harvard](#) within 10 days to continue to receive federal financial assistance. Additional information was shared in [this April 3 press release](#) from USDOE. Subsequently, on April 7, a follow-up email provided an additional 10 days to reply, which requested responses by April 24, 2025.

Today, I sent [this letter](#) in response to USDOE's communication. It states that Michigan had previously certified compliance with Title VI of the Civil Rights Act of 1964 and its implementing regulations and that those certifications remain in effect. I further shared my belief that all of Michigan's more than 800 LEAs have similarly previously provided such compliance assurances.

Additionally, as stated in [February 27](#) and [March 6](#) MDE communications, many efforts to promote programs that support diversity and inclusion seek to expand opportunities, not limit them, and therefore do not discriminate.

Many of the activities that fall under the broad banner of diversity, equity, and inclusion are not zero sum, like elite college admissions in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181 (2023), but rather positive sum. In other words, in these positive-sum activities, there are no preferences per se and by extension no losers, no illegal discrimination, and no Title VI violations associated therewith.

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Examples of these positive-sum activities include but are not limited to the availability and reading of diverse literature, teaching of a more comprehensive and inclusive history, language accessibility beyond English for those who don't read or speak English, Grow Your Own programs for students and support staff in *all* communities to become teachers, and a range of student voices in leadership roles within schools, districts, and communities. A larger literary canon, teaching the fullness of history, language that permits all to access services and not just some, programs to encourage all to consider teaching rather than a narrow swath of the population, and breadth of student voice are all enriching activities and not activities in which some win and others lose.

Indeed, in certain instances, activities under the banner of diversity, equity, and inclusion are federally mandated. For example, the education of students with disabilities in the least restrictive environment based on student Individualized Education Programs (IEPs) is required according to the Individuals with Disabilities Education Act (IDEA). See 20 U.S.C. § 1412(a)(5). Students with disabilities must be *included* in general education settings to the extent appropriate in student IEPs. This is a federal mandate.

Pre-K-12 programs that promote diversity representing all children, regardless of race, and inclusion of all children, regardless of race, do not inherently harm particular groups of children and are not de facto violations of Title VI of the Civil Rights Act of 1964.

This memo is not intended to provide legal advice. If you have further questions about this topic, we encourage you to consult your district's legal counsel. We also encourage you to share this document and MDE's response letter to USDOE with your district's legal counsel.

Thank you for your attention to this important issue.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Departments