

Apr. 9, 2025

Dear Local Education Agency Leaders:

I wanted to provide an update on the Colorado Department of Education's response to the U.S. Department of Education's (ED) [April 3 request for certification of Title VI compliance](#). Specifically, ED requested that CDE submit a signed [certification](#) and that we collect and submit a signed certification from each one of our local education agencies (LEAs). **At this point, we will not be collecting signed copies of the April 3 certification from LEAs and will not be sending signed copies of the April 3 certification to ED.** As this is a decision I do not take lightly, I want to explain why we are taking this course of action.

First, I want to begin with the foundation for our decision. Title VI is a federal law that prohibits discrimination on the basis of race, color, and national origin. The Colorado Department of Education complies with Title VI, its implementing regulation, and Supreme Court cases interpreting Title VI. Our commitment to Title VI is backed by current and valid civil rights [assurances](#) (pg 6) that CDE previously submitted to ED. Those are still on file and binding.

Second, our LEAs have made these same assurances of compliance to Title VI in return for their past receipt of federal funds through the consolidated application to receive federal assistance. You have also made these assurances to the federal government directly when you receive direct federal grants.

Third, there is no legal obligation for any entity to sign the April 3 certification because it was not properly approved under a federal law called the Paperwork Reduction Act (PRA). The PRA provides for a [defined and structured process](#) that must occur before federal agencies can compel mandatory collections of information, such as these certifications, from state and local education agencies. The PRA ensures that requests are clear and do not cause an unnecessary burden. The PRA requires public notice and an opportunity for public comment. It also requires approval from the federal Office of Management and Budget (OMB). When OMB approves the collection, they put an OMB control number on the document and a statement that says "no persons are required to respond to a collection of information unless such collection displays a valid OMB control number." That process did not occur here and there is no OMB control number on the April 3 certification. It would be unlawful to restrict federal funding because someone declined to sign a document that they were not legally obligated to sign.

Fourth, even if this had gone through the proper approval process, I do not feel comfortable signing a certification that binds me to federal guidance that does not have

the force of law. I also do not feel comfortable signing a certification that lacks definitions and clarity around what is or is not prohibited. This is particularly true when those certifications come with the potential consequence of loss of federal funds. For those same reasons, I cannot and will not ask you to sign the April 3 certification.

Notwithstanding these concerns, I do want to *resend* the message that the Colorado Department of Education will continue to comply with Title VI and U.S. Supreme Court cases interpreting Title VI. Although it is not required, I will sign and submit the most recent [OMB-approved civil rights assurances](#) so that my name stands behind this commitment.

I know there's a lot of uncertainty right now—especially around the state budget and the potential for changes in federal funding. I've heard directly from several of you with concerns about the April 3 certification request, as well as broader worries about the possible loss of federal dollars.

As leaders of Colorado's school districts, your role in supporting students, families, and educators is essential. I recognize how critical federal funding is for creating the conditions every child needs to learn, grow, and thrive. Please know that I am committed to advocating for and protecting these vital resources.

If you have questions or would like to talk more about your concerns, don't hesitate to reach out to me directly. We would also be happy to connect your legal counsel with our legal counsel if you would like to discuss the legal rationale for this decision.

Warm regards,

Susana Córdova