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# Attorney General James Issues Diversity, Equity, Inclusion, and Accessibility Guidance for Schools

## AG James Leads 14 Attorneys General in Reminding Educational Institutions of Benefits and Legality of DEIA Initiatives

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NEW YORK – New York Attorney General Letitia James today led a coalition of 14 attorneys general in issuing guidance to K-12 schools, colleges, and universities outlining the benefits, legality, and importance of common diversity, equity, inclusion, and accessibility (DEIA) policies and practices in education. The guidance comes in response to concerns expressed by some educational institutions following an executive order and a U.S. Department of Education (DOE) "Dear Colleague" letter threatening schools that continue to uphold DEIA policies and programming. In the guidance issued today, Attorney General James and the coalition remind educational institutions and entities that their lawful efforts to seek and support diverse, equitable, inclusive, and accessible educational experiences cannot be rendered illegal by an executive order or a letter from DOE – neither of which can make or change the law.

"The administration cannot ban diversity, equity, inclusion, and accessibility efforts with a 'Dear Colleague' letter," said **Attorney General James**. "Schools and educational institutions can rest assured that they are well within their legal rights to continue building inclusive learning environments for their students. My office will always stand up for the rule of law and defend New Yorkers from threats."

The Trump administration, in its efforts to dismantle diversity initiatives, has sought to misinterpret and improperly expand the U.S. Supreme Court's narrow ruling in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* (SFFA). In their guidance, the attorneys general clarify that the administration's recent executive order and

communications from DOE do not change the law with respect to higher education policies.

The attorneys general also emphasize that higher education institutions are well within their rights to continue to seek and cultivate diverse student bodies and equitable outcomes for students. In the guidance, the coalition clarifies that while SFFA limited the ability of higher education institutions to consider an applicant's race as a "plus" factor for admission, schools can still work to diversify their applicant pools and student bodies through recruitment efforts. The guidance also notes that institutions do not have to ignore race when identifying prospective students for outreach and recruitment programs, provided such programs do not give students preference based on race and that all students have the same opportunity to apply and compete for admission. Attorney General James and the coalition assure schools that they can continue to target outreach to potential applicants based on a wide range of characteristics, such as academic interests, geographic residency, financial means and socioeconomic status, family background, and parental education level.

The attorneys general are also encouraging K-12 schools to strive for a school climate where all students feel safe, supported, respected, and ready to learn. School leaders can do this by reviewing their current practices to ensure that their district complies with anti-discrimination, anti-bullying, and civil rights laws, and by adopting programs and policies that incorporate best practices and meet the needs of their communities. In addition, the attorneys general identify steps schools can take to ensure that all students, including those from historically underrepresented backgrounds, are prepared for college and careers.

Joining Attorney General James in issuing this guidance are the attorneys general of California, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Jersey, Nevada, Oregon, Rhode Island, Vermont, and the District of Columbia.