**February 12, 2026**

Dear Superintendents and BOCES directors,

Today we are sharing the following updates:

- 2026 Teaching and Learning Conditions Colorado (TLCC) survey deadline extended until March 6
- US Department of Education (ED) releases guidance on ESEA flexibilities
- ED withdraws appeal of court decision on Dear Colleague Letter from Feb. 2025

**2026 Teaching and Learning Conditions Colorado (TLCC) survey deadline extended until March 6**

The TLCC Survey deadline has been extended until March 6. We have created a communications toolkit to help you share the survey with your teams. If at least 50% of your staff participates, you will receive data reports on your results (here is the data dashboard from 2024).

**US Department of Education (ED) releases guidance on ESEA flexibilities**

ED released guidance to SEAs on Feb. 9 about ESEA Title II Part A flexibilities related to teacher workforce strategies. You can find more information and the guidance on ED's website.

**ED withdraws appeal of court decision on Dear Colleague Letter from Feb. 2025**

We received the following update from Education Counsel on Feb. 9.

*On January 21, the Trump Administration withdrew its appeal of a federal court decision that struck down OCR's anti-DEI guidance and certification process, which threatened to rescind federal funding for states and districts that did not certify that they would eliminate K-12 and higher education DEI programs. A federal judge in Maryland ruled in American Federation of Teachers v. U.S. Department of Education that because the guidance and demand to certify compliance violated the First Amendment, Fifth Amendment, and federal procedural rules, they must be vacated in their entirety. (See our legal analyses of the initial guidance, an accompanying FAQ, and the certification*

*requirement for more information.)*

*By dropping its appeal, the Administration will let that ruling stand, effectively ending USED's ability to implement that specific OCR guidance document and the accompanying certification document. However, as long as USED does not rely on the now-vacated OCR documents, it can still use other means to pursue the Administration's anti-DEI agenda and its legal interpretation of what is lawful or not under Title VI. This likely includes, among other mechanisms, requiring certain assurances in grant agreements and initiating civil rights enforcement actions. Although federal courts might ultimately halt these other efforts as well, they would need to do so in response to separate legal challenges.*

*Other plaintiffs' federal lawsuits against the same OCR guidance and certification are still pending. There are slightly different but substantially overlapping preliminary injunctions in place in those cases as well.*

Warm Regards,

Susana Córdova