

NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION

Maurice "Mo" Green, Superintendent of Public Instruction

www.dpi.nc.gov

April 22, 2025

The Honorable Linda McMahon
United States Secretary of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary McMahon:

This letter responds to your April 3, 2025 'Request for Certification.' Your directive requests that the North Carolina Department of Public Instruction ("NCDPI") certify its compliance with federal anti-discrimination laws for itself and all local education agencies (LEAs) in North Carolina, which for purposes of Title VI of the Civil Rights Act of 1964 includes traditional public schools, charter schools, and other specialized public schools under the jurisdiction of the North Carolina State Board of Education. As a reminder, NCDPI and all North Carolina LEAs have already certified that they do and will comply with Title VI of the Civil Rights Act of 1964 and its implementing regulations, and applicable case law interpreting those laws, (together referred to herein as "Title VI"). These certifications have previously been submitted making this additional certification redundant.

Your request for certification makes broad statements about "diversity, equity, and inclusion" without defining what specific practices might violate Title VI or other laws. This ambiguity raises concerns about providing the requested certification without important clarifications. Since the U.S. Department of Education does not have the legal authority to change assurances and impose new requirements on recipients without adhering to rulemaking procedures (see 20 USC § 1232) or make unilateral changes to Title VI or its applicable case law, it is logical to conclude that the signed certifications can only be enforceable to the extent of the Department's lawful authority and the law as it exists at the time the assurances are given.

In conformity with your request, NCDPI asked all LEAs to complete the certification by April 16, 2025, which they have done. However, it is our understanding (and we have communicated the same to North Carolina LEAs) that the assurances are limited to the Department's current legal authority. Therefore, we are providing the certification attached hereto with the following clarification:

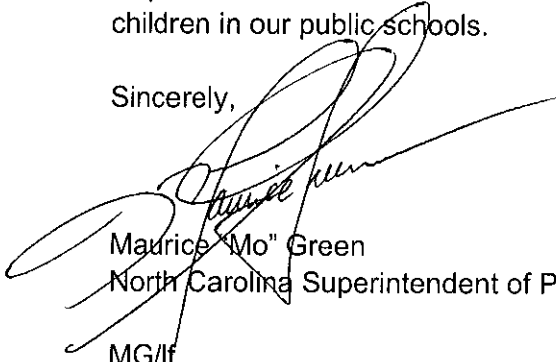
To the best of their knowledge, the North Carolina Department of Public Instruction and all local education agencies in North Carolina assure the U.S. Department of Education that they comply with Title VI. This assurance by NCDPI on behalf of itself and all local education agencies in North Carolina is limited to those legal obligations authorized by law.

OFFICE OF THE NORTH CAROLINA SUPERINTENDENT

Maurice "Mo" Green, *Superintendent of Public Instruction* | mo.green@dpi.nc.gov
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In North Carolina, we remain committed to ensuring our public schools provide environments free from discrimination based on race, color, or national origin. We will continue working to ensure fairness, remove barriers to opportunity, and make decisions based on merit and need. Public education is about opening doors, not closing them. Every decision we strive to make, whether about discipline, curriculum, hiring, or resource allocation—is grounded in fairness, providing access to equal opportunity, and is made in the best interests of all public school students. We look forward to working with you and your colleagues at the U.S. Department of Education to do the great and important work of educating the children in our public schools.

Sincerely,

A handwritten signature in black ink, appearing to read "Maurice Green", is written over the typed name and title. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Maurice "Mo" Green
North Carolina Superintendent of Public Instruction

MG/lf

c:

The Honorable Josh Stein, North Carolina Governor
The Honorable Jeff Jackson, North Carolina Attorney General
North Carolina State Board of Education

Enclosure

North Carolina Certification Statement