

# Many Ky. public schools sign compliance form on civil rights

BY MCKENNA HORSLEY  
Kentucky Lantern

Nearly all of Kentucky's 171 public school districts have signed an agreement to adhere to the Trump administration's new restrictions on diversity, equity and inclusion programs in public schools.

Only two school districts — Fayette and Jefferson counties — did not sign a form from the U.S. Department of Education to certify their compliance with the Trump administration's interpretations of civil rights law, according to documents from the Kentucky Department of Education.

Sent last month, the federal agency's certification form says that "any violation of Title VI — including the use of Diversity, Equity, & Inclusion ('DEI') programs to advantage one's race over another — is impermissible" and using "certain DEI practices can violate federal law." Title VI of the 1963 Civil Rights Act prohibits discrimination on the basis of race, color and national

origin in programs and activities receiving federal financial assistance.

The school superintendents of Fayette and Jefferson counties instead provided alternative documents saying they comply with federal and state laws. Jefferson County has the state's largest student enrollment, followed by Fayette County.

KDE provided the documents to the Kentucky Lantern in response to an open records request.

In a joint statement to news outlets last week about the district's decision, Fayette County Public Schools Superintendent Demetrus Liggins and school board Chair Tyler Murphy said they "want to reaffirm that Fayette County Public Schools remains steadfast in our commitment to ensuring every student receives the support they need to thrive." The statement said the decision was based on data about students' needs within the district.

"As we affirm each year, we continue to fully com-

ply with the requirements of Title VI and all civil rights laws, not simply as a legal obligation, but as a reflection of who we are and what we stand for," Liggins and Murphy said. "We will also continue to support and defend the programs that help our students — all of our students — reach their full potential. That is a commitment that has not and will not change."

Jefferson County Public Schools Superintendent Marty Pollio wrote in an April 22 letter to USED that "the schools within our district are in compliance with" federal law, including Title VI. A spokesperson told the Lantern that as of Thursday, JCPS had not received any further communication from USED regarding the form.

Kentucky Education Commissioner Robbie Fletcher has previously said KDE signed the form a couple of weeks ago, but added the form "is not without issues," in a message to superintendents across the state. KDE did not suspend

or pause any of its existing programs since it received the form from USED.

Fletcher also advised that "school districts should consult with board counsel on whether the district will sign the certification form."

One superintendent, Teresa Morgan of Hardin County Schools, pushed back on USED's request to sign the form.

"It is with great disgust and sadness that I am signing this document," Morgan wrote in an addendum to the form. "The fact that federal funds would be withheld from our neediest students — simply because of a refusal to sign a document that serves to further divide our country — is deeply troubling."

Morgan declined to expand on her comment in an email Thursday morning. The federal form outlined possible consequences for a state or local education agency that protects a DEI program that violates the new federal guidance, including losing federal funding or facing a federal

lawsuit.

One school district that did sign the form, Bowling Green Independent Schools, did so "at the request of the Kentucky Department of Education commissioner," said district spokesperson Leslie McCoy in an email to the Lantern. She added the district believes it is "in compliance with all state and federal nondiscrimination laws" and has not received further contact from USED about Title VI compliance.

USED's targeting of DEI practices comes as Republicans at the national and state levels seek to roll back such measures, particularly in education. The GOP-controlled Kentucky General Assembly passed a law earlier this year to ban DEI programs at Kentucky public universities and colleges. President Donald Trump signed an executive order aimed at eliminating DEI programs within the federal government shortly after he assumed office in January.

The 2023 U.S. Supreme Court decision to strike

down affirmative action in higher education admissions has further fueled backlash against DEI programs. That ruling is cited in the USED form K-12 school officials were asked to sign.

In general, DEI initiatives focus on supporting marginalized people in areas where they have been historically excluded. But they've come under fire, and not just from the right, as discriminatory themselves. DEI programs, the U.S. Department of Education acting assistant secretary for civil rights wrote in a February letter "frequently preference certain racial groups and teach students that certain racial groups bear unique moral burdens that others do not."

Kentucky's legislature has not outlawed DEI in public K-12 schools, although legislation was filed this year to do so. Sen. Lindsey Tichenor, R-Smithfield, filed bills that would have prohibited DEI initiatives in the state's public schools as well as state and local governments. Neither bill got a committee hearing.



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