

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

NATIONAL EDUCATIONAL
ASSOCIATION, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, et al.,

Defendants.

Case No. 1:25-cv-00091-LM

**NOTICE OF AGREEMENT WITH RESPECT TO
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER (ECF NO. 41)**

The attached reflects the agreement of the parties addressing Plaintiffs' Motion for a Temporary Restraining Order (ECF No. 41), which can be dismissed as moot.

Dated: April 9, 2025

Respectfully submitted,

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Final Agreement:

- ED will not initiate enforcement action, investigation, or otherwise take action based on any State or LEA certification, lack of certification, or communication with ED regarding the certification, until after the April 24, 2025 deadline has passed. Up to and including that date, States and LEAs may submit or re-submit the requested certifications and/or other responses to OCR, and ED will not act upon such submissions or rely on them as material representations until after April 24, 2025.
- Certifications by States and LEAs are not effective until after April 24, 2025, and may not be used for any purpose, including but not limited for the basis of any enforcement action, investigation, claim under the False Claims Act, contract claim, or any other basis for liability by any public or private party.
- ED will not initiate any enforcement action, investigation, or otherwise take action based on the Dear Colleague Letter issued on February 14, 2025 and subsequent actions implementing the letter until after April 24, 2025. This would not preclude enforcement actions, investigations, or other actions based on Title VI in general or the *Students for Fair Admissions* case.”
- ED will direct States to notify every LEA in its jurisdiction of this correspondence by close of business on Thursday April 10.