





# RESCINDED

**5. Can colleges and universities continue to rely on the U.S. Department of Education and U.S. Department of Justice’s Guidance on the Voluntary Use of Race to Achieve Diversity in Postsecondary Education (“Postsecondary Guidance”)?**

**A: Yes.** Like the Court’s opinion in Fisher, the Departments’ Postsecondary Guidance follows the legal standards previously articulated in Grutter v. Bollinger, Gratz v. Bollinger, and Regents of Univ. of Cal. v. Bakke (opinion of Powell, J.). Because those standards remain in place, the Departments will continue to rely on the Postsecondary Guidance in investigating and resolving complaints of discrimination against institutions of higher education. The Postsecondary Guidance is available at <http://www.ed.gov/ocr/docs/guidance-pse-201111.html>.

**6. Can school districts continue to rely on the U.S. Department of Education and U.S. Department of Justice’s Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools (“K-12 Guidance”)?**

**A: Yes.** The K-12 Guidance draws from the Supreme Court’s decisions in Grutter and in Parents Involved in Community Schools v. Seattle School District, where a majority of Justices concluded that school districts have flexibility in determining how voluntarily to achieve diversity or avoid racial isolation in their schools. Fisher did not disturb the legal standards set forth in Grutter and Parents Involved. Because those standards remain in place, the Departments will continue to rely on the K-12 Guidance in investigating and resolving complaints of discrimination against K-12 schools. The K-12 Guidance is available at <http://www.ed.gov/ocr/docs/guidance-ese-201111.html>.

**7. Are the U.S. Department of Education and U.S. Department of Justice available to answer additional questions and to provide further assistance on the Postsecondary and K-12 Guidance documents?**

**A: Yes.** We welcome questions about the application of these guidance documents to school districts, colleges, and universities and are available to provide technical assistance. To submit questions or receive technical assistance, please contact the U.S. Department of Education Office for Civil Rights at (800) 421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov). To contact the U.S. Department of Justice for assistance, please contact the Educational Opportunities Section at (877) 292-3804 or [education@usdoj.gov](mailto:education@usdoj.gov).