

EducationCounsel Alert for May 5, 2025

This EducationCounsel Alert shares updates about various recent actions by the federal government relevant to education, including:

1. [President Trump's Initial FY26 Budget Request](#)
 2. [New Guidance on Higher Education Accreditors](#)
 3. [New Guidance on CCDBG and Head Start](#)
 4. [National Science Foundation Developments](#)
 5. [Religious Liberty Commission EO](#)
 6. [Enforcement Actions and Litigation Updates](#)
 7. [What's Coming Next?](#)
- [APPENDIX: Details of the President's Initial FY26 Budget Request](#)

You can also find summaries and brief analysis of many other developments in our ongoing [Executive Actions Chart](#), which will be updated soon to include all of the items covered in this Alert. All of our summaries and analysis of the Administration's executive actions are available in one place by [clicking here](#). Please note that these developments are sometimes changing rapidly, and *this Alert and all our materials are meant to provide general guidance and do not constitute specific legal advice.*

1. President Trump's Initial FY26 Budget Request

The President [released](#) his fiscal year (FY) 2026 initial budget request on 5/2/25. Also known as a “skinny” budget since it does not provide all of the details usually included in the President's full budget request, this initial request took the form of a table outlining major changes to discretionary programs. Before summarizing the request, it is important to note that this is only the first step in the annual appropriations process. Congress will review the President's request but will ultimately draft its own FY2026 appropriations bills. Additionally, appropriations bills will need 60 votes to pass the Senate—meaning that a final appropriations bill must have bipartisan support.

The following summary provides top-line numbers and some key observations. At the end of this Alert, you can find an [Appendix](#) with a list of the relevant details.

For the U.S. Department of Education (USED), the request proposes \$66.7 billion, a reduction of \$12 billion or 15.3% below the FY2025 level. Given the President's desire to eliminate USED, it is notable that his budget request did not zero out its funding—as the request did eliminate funding for other federal agencies such as the Corporation for National and Community Service (operating as AmeriCorps) or the National Endowment for the Arts. That said, the budget request aligns with the Administration's efforts to hollow out USED by reducing the overall funding and recommending the consolidation of several key programs:

- Most significantly, although the budget request maintains funding for Title I, it proposes to consolidate 18 existing Every Student Succeeds Act (ESSA) programs into a new \$2 billion “K-12 Simplified Funding Program”—which would represent a \$4.5 billion decrease below the total current funding for those programs. Details are limited making it unclear exactly which programs are reduced or eliminated, but Title II and Title IVA are likely included. The proposal seems to suggest some version of a block grant approach that may provide more flexibility to states and districts—but that would come at a cost of nearly 70% less funding.

- The budget request also calls for the consolidation of seven Individuals with Disabilities Education Act (IDEA) programs, essentially eliminating the different parts of IDEA—including those programs dedicated to providing services to infants, toddlers, and preschool-aged children—and instead consolidating funding into one program. The skinny budget request does not specify which programs would be included in the IDEA consolidated program, and unlike with the ESSA proposal, the IDEA consolidation does not *appear* to come with a funding cut. However, removing funding targeted at specific age populations or activities could jeopardize existing support.
- The budget request eliminates all federal funding for Language Instruction for English Learners and Immigrant Students (Title III of the Elementary and Secondary Education Act) and for Migrant Education.

Regarding student financial assistance, the budget request would eliminate the Supplemental Educational Opportunity Grants (SEOG) program, and cut the Federal Work-Study program by 80% while also restructuring it. The skinny budget request is silent on many programs, Pell Grants, and the entire Institute of Education Sciences (IES), which houses most USED data collection and research funding.

For the U.S. Department of Health & Human Services (HHS), neither the Child Care and Development Block Grant (CCDBG) nor Head Start are listed among the programs expected to receive a major change. However, it is unclear what level of funding is recommended for these programs, although Head Start has been mentioned in [press reports](#) as not having been cut in the President's budget request. The skinny budget does call for the elimination of the Preschool Development Grant Birth-to-Five Program, a competitive grant designed to help states with early childhood systems-building.

The budget request also prioritizes the reduction or elimination of what it characterizes as “woke” parts of the government, including significantly reduced funding for the National Science Foundation and the complete elimination of funding for TRIO, GEAR UP, Teacher Quality Partnerships, and Equity Assistance Centers, among other programs.

Full details of the President's FY2026 budget request are expected to be released later this month.

2. New Guidance on Higher Education Accreditors

On 5/1/25, USED Acting Under Secretary James Bergeron issued a [Dear Colleague letter](#) (DCL) consistent with President Trump's recent [accreditation EO](#) signaling new approaches to higher education accreditation:

- First, the agency rescinded the Biden Administration's moratorium on reviewing new accreditors as part of an intention to approve new accreditors.
- Second, the DCL announced a new, shorter application process for currently accredited institutions seeking to change accreditors.

These actions continue a Republican priority of lowering barriers to entry for new postsecondary providers that began in the first Trump Administration.

The Biden Administration had previously issued guidance, which this DCL rescinds, requiring conditions for review and approval before an institution could switch accreditors, an effort to prevent low-quality institutions from avoiding oversight from their existing accreditor by “forum shopping.” This guidance instead prioritizes minimizing administrative hurdles to seeking new accreditation and making it easier for new programs and institutions to gain access to federal aid. The Office of Federal Student Aid, which will

have to review institutions' requests to change accreditors, has significantly fewer available staff to conduct such requests subsequent to the recent reductions in force. This is notable because the DCL states that any institutional application to switch accreditors that is not reviewed within 30 days will be deemed automatically approved.

3. New Guidance on CCDBG and Head Start

On 4/29/25 and in response to the "[Expanding Educational Freedom and Opportunity for Families](#)" EO issued in January, the Administration for Children and Families (ACF) in HHS issued two pieces of sub-regulatory guidance on CCDBG and Head Start, in the form of information memoranda.

The [CCDBG guidance](#) highlights existing flexibilities in the law around engaging faith-based providers in the delivery of child care and also clarifies that direct services provided through CCDBG can be used for homeschooling families.

The [Head Start guidance](#) emphasizes the importance of expanding opportunities for families within Head Start programs. The guidance encourages Head Start programs to actively participate in state and local efforts to coordinate early childhood education enrollment and services, engage families in shaping program models that meet their needs, and strengthen community partnerships including through connections to faith-based providers. Head Start has long-established collaborations at the state and local levels, including ones mandated and supported by federal law. Further, Head Start's efforts around parent and family engagement have been a hallmark of the program for nearly sixty years. Finally, faith-based providers currently serve as grantees, or delegates, of Head Start in communities across the country.

Neither of these guidance documents directs grantees to undertake any new activities. Nor do they include new interpretations of existing law or regulations.

4. National Science Foundation Developments

The Administration continues to make significant changes at the National Science Foundation (NSF), undercutting the largest source of education research funding, long-running efforts to develop and diversify the future STEM workforce, and higher education research institutions that are often NSF grantees. Following the Administration's recent [update](#) to NSF's priorities and the [resignation](#) of NSF Director Sethuraman Panchanathan, additional developments include:

- NSF has canceled over 1000 grants as "not aligned with agency priorities," mostly for being associated with "DEI" or misinformation research.
- [Reports](#) suggest that the agency has stopped making any new awards and frozen funding for existing ones.
- As of 5/5/25, NSF will begin implementing a [15% indirect cost rate](#) for new grants awarded to institutions of higher education (IHEs). Note that a federal court ruled last month that a parallel NIH policy was unlawful and [permanently enjoined](#) it, while a similar cap at the Department of Energy is also being [challenged](#) in court.
- The President's initial budget request (discussed above) characterized NSF as a "woke" agency and proposed cutting its budget by 56% from \$8.8B to \$3.9B.

5. Religious Liberty Commission EO

On 4/23/25, President Trump issued an executive order, “[Establishment of the Religious Liberty Commission](#),” that creates a commission to advise the White House Faith Office and the Domestic Policy Council on religious liberty policies. Although the EO does not specifically address education, nearly half of the topics assigned to the Commission build on long-held Republican education priorities (including school choice and religious expression in public schools) and newer issues (like vouchers for religious education and vaccine exemptions). Specifically, a report the Commission will produce on historical and contemporary threats to domestic religious liberty must include strategies addressing concerns that include “the First Amendment rights of teachers [and] students; . . . vaccine mandates; parents’ authority to direct the care, upbringing, and education of their children, including the right to choose a religious education; permitting time for voluntary prayer and religious instruction at public schools; [and] government displays with religious imagery.” The Commission itself does not have the authority to enact its recommendations, but a companion fact sheet connects its work to cross-government efforts to counter antisemitism and the newly established DOJ “Task Force to Eradicate Anti-Christian Bias.”

6. Enforcement Actions and Litigation Updates

All updates appear in the [Executive Actions Chart](#), but the following are worth highlighting here:

Evanston-Skokie (IL) (Title VI): On 5/1/25, USED [announced](#) a new Title VI investigation of the Evanston-Skokie School District 65 in Illinois over a variety of allegations of illegal racial discrimination. This is the latest development in a Title VI complaint originally filed during the first Trump administration, later dismissed during the Biden administration, and recently [re-filed](#). This new enforcement action may be particularly significant to the extent USED finds a Title VI violation with respect to several parts of the complaint tied to the district’s *curriculum*, including texts and lesson plans about diversity, equity, and inclusion, given [multiple prohibitions](#) on federal involvement in curriculum.

Maine (Title IX): The US Department of Agriculture (USDA) [agreed](#) to stop withholding federal funds from Maine over the state’s policies regarding transgender students and athletes. In exchange, Maine agreed to drop its lawsuit against USDA. Note that parallel investigations and potential legal actions by USED and DOJ—under Title IX and/or FERPA—do not appear to be affected by this settlement.

Litigation Updates:

- On 5/1/25, a federal judge in Washington, DC [issued](#) a temporary restraining order blocking the Administration from “dissolv[ing]” the Institute of Museum and Library Services (including placing more staff on administrative leave and terminating any more grants) until the court can rule on the pending motion for a preliminary injunction (which would then last for as long as the lawsuit takes to resolve).
- On 5/2/25, a federal judge in Washington, DC [denied](#) a motion for a preliminary injunction in a lawsuit brought by the National Urban League, the National Fair Housing Alliance, and the AIDS Foundation Chicago against President Trump’s “anti-DEI” and gender identity executive orders. The court declined to enjoin the EOs while the lawsuit proceeds to a final resolution.

7. What's Coming Next?

Our [Executive Action Tracker](#), which is different from our Executive Actions Chart ([link](#)), includes a comprehensive list of specific actions called for in President Trump's various EOs affecting education. The table below highlights a few particularly significant upcoming deadlines. Consult the Tracker for a full list of the EOs' requirements and deadlines.

Date	Executive Order	Action Expected
5/21	"Ending Illegal Discrimination and Restoring Merit-Based Opportunity"	Directs DOJ to make recommendations for ending private sector "illegal DEI discrimination."
		Directs DOJ and USED to "jointly issue guidance to all State and local educational agencies that receive federal funds, as well as institutions of higher education that receive federal grants" and participate in the federal student loan program, "regarding the measures and practices required to comply with" the Supreme Court's decision in <i>Students for Fair Admissions v. Harvard/UNC</i> .
		Requires DOJ to work with other agencies and OMB to report and identify up to "nine potential civil compliance investigations of...large non-profit corporations or associations, foundations with assets of 500 million dollars or more...institutions of higher education with endowments of over 1 billion dollars."

APPENDIX: Details of the President's Initial FY26 Budget Request

The following are relevant details from the President's "skinny" budget request. As noted above, the full details are not expected until later this month.

HHS' Early Childhood Education Funding:

- **Preschool Development Grants Birth to Five** – Elimination, a \$315 million decrease.
- **Head Start** – While reports prior to the release of the skinny budget had suggested the possible elimination of the program, Head Start was not listed among the programs with major changes to discretionary programs.
- **Child Care and Development Block Grant** – Not listed among the programs with major changes to discretionary programs.

K-12 Education

- **Charter Schools** – \$500 million, a \$60 million increase.
- **Preserve Title I and Streamline K-12 Programs** – While maintaining funding for Title I, the budget request proposes to consolidate 18 programs into a K-12 Simplified Funding Program, which would be funded at \$2 billion, which represents a \$4.535 billion decrease below the total previous funding for those programs. A complete list of the 18 programs included is not yet available.
 - Description states: "The K-12 Simplified Funding Program consolidates 18 competitive and formula grant programs into a new \$2 billion formula grant designed to reduce ED's influence on schools and students and reduce bureaucracy. At the same time, the Budget delivers on the President's promise by preserving full funding for Title I."

- **Special Education “Simplified Funding Program”** – Consolidates all IDEA programs into one program and does *not* include a reduction in funding. This is essentially elimination of different parts of IDEA if consolidated into one program.
 - Description states: “The Budget provides streamlined, flexible funding directly to States so that they have the discretion to support those activities that make the most sense for their respective communities...The Budget delivers on the President’s promise to preserve special education funding, while simplifying the workload to reduce the Federal footprint. The Special Education Simplified Funding Program consolidates seven Individuals with Disabilities Education Act (IDEA) programs to provide States and school districts greater flexibility to support students with special education needs, maintaining funding at the 2025 level...”
- **English Language Acquisition (Title III of ESEA)** – Elimination, an \$890 million decrease.
- **Training and Advisory Services—Equity Assistance Centers** – Elimination, a \$7 million decrease.
- **Migrant Education and Special Programs for Migrant Students** – Elimination, a \$428 million decrease.

Higher Education and Student Financial Assistance

- **Pell Grants** – Not listed among the programs with major changes to discretionary programs.
- **Federal Work Study** – \$250 million, a \$980 million decrease. NOTE: This would be the level if the reduction applied to the FY2024 funding level, as the FY2025 level has not been released yet in a FY2025 spending plan.
 - Description states: “Reform of this poorly targeted program should redistribute remaining funding to institutions that serve the most low-income students and provide a wage subsidy to gain career-oriented opportunities to improve long-term employment outcomes of students.”
- **Fund for the Improvement of Postsecondary Ed (FIPSE) and Graduate Assistance in Areas of National Need** – Elimination, a \$195 million decrease.
- **Strengthening Institutions** – Elimination, a \$112 million decrease.
- **TRIO and GEAR UP** – Elimination, a \$1.579 billion decrease.
- **Supplemental Educational Opportunity Grants (SEOG)** – Elimination, a \$910 million decrease.
- **Teacher Quality Partnerships** – Elimination, a \$70 million decrease.
- **Child Care Access Means Parents in Schools (CCAMPIS)** – Elimination, a \$75 million decrease.

Unclear at this Time

- **Institute of Education Sciences** - Not listed among the programs with major changes to discretionary programs.

Other Program Reductions

- **USED Program Administration** – \$293 million, a \$127 million decrease.
- **USED’s Office for Civil Rights** – \$91 million, a \$49 million decrease.
- **Howard University** – Approximately \$290 million, a \$64 million decrease.
- **National Science Foundation** – \$5.2 billion decrease.

Other Program Eliminations

- **Adult Education** – Elimination, a \$729 million decrease.
- **Corporation for National and Community Service (operating as AmeriCorps)** – Elimination, a \$1.3 billion decrease.
- **Corporation for Public Broadcasting** – Elimination, a \$595 million decrease.
- **Institute for Museum and Library Services** – Elimination, a \$295 million decrease.
- **National Endowment for the Arts** – Elimination, a \$207 million decrease.
- **National Endowment for the Humanities** – Elimination, a \$207 million decrease.

OMB Fact Sheets

OMB also released several Fact Sheets, including one titled, [“Cuts to Woke Programs”](#); included in the fact sheet are references to Preschool Development Grants, Teacher Quality Partnerships (TQP) and Equity Assistance Centers, and the National Science Foundation.

DISCLAIMER: Consistent with our mission, EducationCounsel is working to update and support the field as federal actions consequential to education are unfolding. The information provided above does not serve as legal counsel and, given the pace of action, could be outdated quickly. Nonetheless we hope this information is helpful. If you have any suggestions or feedback please send it to info@educationcounsel.com. Updates in this Alert are current as of May 5, 2025 at 2:00 pm EST.