

UPDATED 6/15/2026: Summary & Analysis of Trump Administration Executive Actions Impacting Education (aka the “Executive Actions Chart”)

President Trump and his Administration have issued numerous [Executive Orders](#) (EOs) and taken a wide array of administrative actions with significant implications for early childhood, K-12, and higher education. EOs have the force of law and can direct agency action, but they cannot themselves expand legal requirements or prohibitions beyond existing statutes or regulations, nor conflict with those existing laws.

The table below provides a summary of the most education-relevant EOs and related agency actions to date, grouped by topic. For each executive action, we have provided a [link](#) to the relevant text as published by the White House, U.S. Department of Education (USED) or other sources as appropriate, a [summary](#) of what is included, a brief [analysis](#) of its potential impact in education, and other [notes](#), including information about related Administration actions and legal challenges to these actions. Note that each EO opens with a purpose statement (not generally summarized here) that provides a sense of the President’s goals as well as the framing and rhetoric that characterize the EO.

New rows in the table are shaded in yellow and flagged with “**!! NEW:**” to help you identify the recent additions. Where appropriate, we continue to make updates throughout the document, including related actions by federal agencies and rulings by federal courts. Recent updates are also marked with “**!! NEW:**”. Note that we include a flag for “**LAWSUIT:**” to help you find and stay updated on the progress of various court challenges to many of the Administration’s actions.

NOTE: As the Executive Actions Chart has grown longer, some users have found it helpful to navigate the document using the hyperlinks in the Table of Contents and/or by using word searches (via “control-F”) if you are looking for information on a specific topic or policy.

Visit our “[Executive Actions Tracker](#)” to view all of the “to do” items initiated by the EOs and other executive actions catalogued in this document. All of our Alerts and Deep Dives summarizing and analyzing the Administration’s executive actions are available in one place by [clicking here](#).

Please note that these developments are sometimes changing rapidly so information may become outdated, and nothing here constitutes specific legal advice.

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TOPIC 1: EQUITY AND CIVIL RIGHTS

[“Addressing DEI Discrimination by Federal Contractors”](#) EO (3/26/26)

Summary

Attempts to block efforts by federal contractors and their sub-contractors to advance diversity, equity, and inclusion.

- Defines “racially discriminatory DEI activities” as “disparate treatment based on race or ethnicity in the recruitment, employment (e.g., hiring, promotions), contracting (e.g., vendor agreements), program participation, or allocation or deployment of an entity’s resources.”
- Directs all federal agencies to, within 30 days, “to the extent permitted by law, ensure that contracts and contract-like instruments, including contractors’ subcontracts and subcontractors’ lower-tier subcontracts” include a new contract clause that would require that “[t]he contractor will not engage in any racially discriminatory DEI activities.”

Analysis

- Like all EOs, this order cannot change existing law regarding what is or is not legal when making efforts to advance diversity, equity, inclusion, and accessibility, but the forthcoming changes to federal contracts will provide the Administration with another leverage point.
- The EO is not clear whether agencies should seek to amend *existing* federal contracts, but the inclusion of a legal caveat (“to the extent permitted by law”) may signal restrictions on the Administration’s ability to implement the new anti-DEI clause retroactively.
- The EO is not clear whether agencies should implement the EO in ways that affect only contractors or also insert it into agreements with other recipients of federal financial assistance such as grantees.
- The new anti-DEI clause explicitly limits its reach only to a contractor’s federally-funded work rather than reaching all of the contractor’s activities (“In connection with the performance of work under this contract...”).
- Contractors should keep in mind that federal law governing claims of racial discrimination generally permits targeted recruitment and outreach to help build an inclusive candidate pool, so long as it does not include conferring any individual material benefits based on racial or ethnic status.
- Contrary to the EO’s definition, there are some circumstances in which federal law (i.e., Title VII) allows for certain race-conscious employment decisions by a federal contractor to help remedy discrimination and “manifest imbalances” in its workforce.

Notes

- **!! NEW / LAWSUIT:** On 4/20/26, a coalition of groups representing nonprofit organizations, university professors, and federal contractors and subcontractors [filed a lawsuit](#) in a federal court in Maryland challenging the EO. The plaintiffs argue, among other claims, the EO chills 1st Amendment free speech and association rights.

“Ensuring Transparency in Higher Education Admissions” Presidential Memo (8/7/25)**Summary*****Directs USED to increase the collection and publication of admissions data to assess compliance with SFFA v. Harvard.***

- Calls for new updates to USED’s [Integrated Postsecondary Education Data System](#) (IPEDS) most notably to direct the National Center for Education Statistics (NCES) to begin requiring, collecting, and making public new data that can “provide adequate transparency into admissions,” beginning with the upcoming school year.
- Justifies new data collection based on “concerns” that institutions of higher education are using “‘diversity statements’ and other overt and hidden racial proxies” to consider applicants’ racial or ethnic status in making admissions decisions in defiance of the Supreme Court’s 2023 ruling in *Students for Fair Admissions v. Harvard*.

Analysis

- NCES is charged with implementing these IPEDS changes, but the USED RIF and other personnel changes have reduced the NCES staff from ~100 to four.
- The Administration’s recent resolution agreements with Columbia and Brown include providing similar admissions information including disaggregated data for GPAs and test scores to the federal government. This new Presidential memo and IPEDS directive extend this data submission to all colleges and universities participating in the federal student financial aid programs.
- The memo’s embrace of disaggregated data contradicts other Administration policy pronouncements that discourage the use of disaggregated data to root out hidden discrimination. For instance, 7/29/25 DOJ [guidance](#) recommends “[f]ocusing solely on nondiscriminatory performance metrics, such as program participation rates or academic outcomes, *without reference to race, sex, or other protected traits*” (emphasis added). Similarly, a 4/23/25 [EO](#) similarly called on USED to “mandate that accreditors require member institutions to use data on program-level student outcomes to improve such outcomes, *without reference to race, ethnicity, or sex*” (emphasis added), and another [EO](#) rejected the disparate impact standard that uses disaggregated data to root out hidden discrimination.

Notes

- On 8/7/25, Secretary McMahon [directed](#) NCES to collect and publish data to “capture information that could indicate whether institutions of higher education are using race-based preferencing in their admissions processes” including:
 - “data disaggregated by race and sex relating to the applicant pool, admitted cohort, and enrolled cohort at the undergraduate level, and for specific graduate and professional programs”;
 - “quantitative measures of applicants and admitted students’ academic achievement such as standardized test scores, GPAs, first-generation-college-student status, and other applicant characteristics, for each race-and-sex pair; and,
 - “each race-and-sex pair’s graduation rates, final GPAs, financial aid offered, financial aid provided, and other relevant measures.”
- On 8/15/25, NCES [published](#) its proposal for implementing the new data collection. Public comments are due by 10/14/25. To implement the new data collection, NCES is creating a new IPEDS survey component titled, “Admissions and Consumer Transparency Supplement” (ACTS). NCES will focus only on selective IHEs, include data for undergraduate and graduate programs, include data for admissions and financial aid, and collect data not only for SY25-26 but also for the past five years (“to establish a baseline of admissions practices from before the Supreme Court decision in SFFA v. Harvard”).
 - On 11/13/25, USED issued an [update](#) on the newly-proposed IPEDS component ACTS. The update confirms the new data collection has a current planned deadline of 3/18/26. Public comments on the new update can be [submitted](#) through 12/15/25.
 - On 12/18/25, USED [announced](#) that OMB had approved the new ACTS survey component to be added to the IPEDS data collection, due 3/18/26.
 - **LAWSUIT:** On 3/11/26, 17 states [challenged](#) the survey changes alleging that USED and OMB violated the Administrative Procedures Act by making changes that

exceeded their statutory authority, violated required procedure, and were arbitrary and capricious.

- On 3/13/26, a federal judge [granted](#) the states a temporary restraining order and delayed the submission deadline to 3/25/26. The Association of American Universities and the Association of Independent Colleges and Universities in Massachusetts moved to intervene in the case to lodge similar challenges as the states; on 3/31/26, the court [extended](#) the deadline for those associations' members to 4/14/26.
- On 4/3/26, the judge [converted](#) the TRO into a preliminary injunction for all covered institutions. On 4/24/26, the court [broadened](#) a preliminary injunction to include, under the injunction, members of six additional higher education associations and six private nonprofit IHEs.

[“Restoring Equality of Opportunity and Meritocracy” EO \(4/23/25\)](#)

Summary	Analysis
<i>Eliminates under Title VI and Title IX the federal government’s longstanding use of the disparate impact standard for identifying discrimination under civil rights laws and regulations.</i> ● Calls for DOJ and other agencies to repeal or amend relevant regulations and guidance—including several Title VI regulations often used in education settings—and to report back on progress within 30 days (i.e., 5/23/25), including a list of relevant federal and state laws or decisions. ● Directs all agencies to take “appropriate action” within 90 days (i.e., 7/22/25) on <i>existing</i> consent judgments and permanent injunctions that were based on the disparate impact standard across civil rights laws, change the government’s stance in any <i>pending</i> matters relying on it within 45 days (i.e., 6/7/25), and deprioritize <i>new</i> enforcement under any disparate impact laws or regulations. ● Orders DOJ to identify other laws or decisions—including at the <i>state</i> level—that are about disparate impact and report back about “any appropriate measures to address any constitutional or other legal infirmities.” ● Requires DOJ and the Equal Employment Opportunity Commission (EEOC) to develop joint guidance or technical assistance to help employers understand expectations with regard to nondiscrimination in employment under Title VII and to “promote equal access to employment regardless of whether an applicant has a college education.”	● The new federal policy announced here represents a major change in how we conceive of civil rights protections and how the federal government identifies and remedies discrimination in society, including in schools. In the absence of disparate impact, only claims based on evidence of <i>intentional</i> discrimination may be investigated or prosecuted by the federal government, and such cases are often very hard to prove. ● The EO mischaracterizes the disparate impact standard, implying that it equates the mere existence of a statistical disparity with unlawful discrimination. The Administration claims that the standard imposes a “near insurmountable presumption of unlawful discrimination exists where there are any differences in outcomes.” The EO goes even further, concluding that this long standing approach to civil rights enforcement “violates our Constitution . . . by mandating, rather than proscribing, discrimination.” ● The disparate impact standard at its core entails the use of disaggregated data to identify and explore where practices or policies by recipients of federal funds may be causing unjustified discriminatory effects. By refusing to examine why disparities exist in opportunities and outcomes among groups, the Administration is effectively locking into place existing (or widening) disparities, including where it is tied to past or present discrimination. ● The EO’s direction to revisit all existing agreements and settlements could create significant change (and uncertainty) in the affected school communities. Additionally, because the EO characterizes the disparate impact standard as “mandating . . . discrimination” in ways that are “wholly inconsistent with the Constitution,” the EO raises the possibility that the Administration will not only cancel existing agreements but also seek to <i>require</i> the involved school district or other parties to <i>stop implementing</i> whatever remedies were part of the agreement. ● Two provisions in the EO call on DOJ to explore pathways to imposing throughout the nation (not just across the federal government) the President’s view that the disparate impact standard itself is discriminatory. For now, however, the disparate impact standard is still available to non-federal

actors (including private citizens and state/local governments) to the extent that a state's law recognizes the disparate impact standard.

Notes

- The Administration's first application of this EO's approach to the disparate impact standard appeared in the EO (below) about K-12 school discipline.
- On 12/9/25, DOJ [announced](#) a final [rule](#) (without any opportunity for notice and comment) rescinding sections of DOJ's Title VI regulations prohibiting disparate impact discrimination. (Note that DOJ's actions do not directly affect USED's parallel Title VI regulations. See our 12/16/25 [Alert](#) for further discussion.)

["Reinstating Common Sense School Discipline Policies"](#) EO (4/23/25)

Summary

Reverses course on federal guidance about school discipline as part of the Administration's "anti-DEI" efforts, eliminating use of the disparate impact standard to identify unjustified discriminatory effects in K-12 discipline.

- Claims that guidance and resources from the Obama and Biden Administrations "required schools to discriminate on the basis of race by imposing discipline based on racial characteristics, rather than on objective behavior alone."
- Requires USED and DOJ to issue new guidance within 30 days (i.e., 5/23/25), emphasizing race-neutral, behavior-based disciplinary practices.
- Directs USED to "take appropriate action" with districts and states that "fail to comply with Title VI protections against racial discrimination in the application of school discipline."
- Orders USED and DOJ to work with governors and state attorneys general within 60 days (i.e., 6/22/25) on the prevention of racial discrimination in the application of school discipline.
- Requires USED, DOJ, HHS and DHS to submit a report within 120 days (i.e., 8/21/25), detailing:
 - an analysis of Title VI discipline-related investigations since 2009;
 - the role of federally-funded nonprofits in promoting equity-based discipline (with recommendations of how to stop funding such things);
 - alternatives to equity-based discipline approaches; and
 - model discipline policies that, among other things, are rooted in "American values and traditional virtues."
- Directs DOD to revise its school discipline code within 90 days (i.e., 7/22/25).
- Defines "Behavior Modification Techniques" as discipline policies or practices based on "discriminatory equity ideology" (as defined in the ["Radical Indoctrination"](#) EO).

Analysis

- The EO effectively calls for the elimination of the disparate impact standard with regard to discipline policies. The EO also suggests the Administration plans to consider as illegal racial discrimination a wide range of current—and currently lawful—school discipline policies and practices. The scope of this new policy preference will not be clear until USED issues new guidance and/or before USED initiates new enforcement actions. But from the text of the EO—and the additional context of the [disparate impact EO](#)—it is possible USED will seek to eliminate the examination of disaggregated student discipline data and even seek to prohibit efforts to reduce any disproportionality in those data.
- Although the EO only refers to racial discrimination under Title VI, the Administration's analysis will likely apply to ethnic or national origin discrimination under Title VI as well as other contexts like sex discrimination under Title IX and possibly discrimination on the basis of disability under IDEA and Section 504 of the Rehabilitation Act.
- The discipline reform efforts under Presidents Obama and Biden also encouraged schools and districts to move away from the imposition of "harsh" discipline practices, including out-of-school suspensions, expulsions, and corporal punishment. Those new policies and practices may also be treated differently under the direction set forth in this EO.

Notes

- School-level information provided through the [Civil Rights Data Collection](#) for SY20-21 (the most recent year for which the CRDC has data) showed that:
 - While Black boys made-up 8% of the P-12 students nationally, they represented 15% of students receiving in-school suspensions, 18% of those receiving out-of-school suspensions, and 19% of those expelled, and
 - Black girls were nearly two times more likely to receive in-school suspensions, out-of-school suspensions, and expulsions than white girls.

“Designating English as the Official Language of the United States” EO (3/1/2025)

Summary	Analysis
<i>Announces symbolic designation of English as the national language and initiates revisions to agencies’ guidance about language access</i> • Designates English as the “official language” of the nation, for the first time in history. • Rescinds EO 13166 (“Improving Access to Services for Persons with Limited English Proficiency”), which had been in place since August 11, 2000 and required agencies <i>and recipients of federal funding</i> to provide extensive language assistance to non-English speakers and work to eliminate discrimination against them. • Orders the DOJ to rescind and replace any guidance issued since 2000 pursuant to EO 13166. • Refrains from <i>requiring</i> agencies to change how they approach language access: “Agency heads are not required to amend, remove, or otherwise stop production of documents, products, or other services prepared or offered in languages other than English.” • Allows each agency instead to “make decisions as they deem necessary to fulfill their respective agencies’ mission and efficiently provide Government services to the American people.”	• The mere designation of an official language is likely a symbolic one without clear legal authority, but it could have significant implications for how federal agencies support non-English speakers. • Regardless of this EO, federal law still requires that the government provide English learners access to public education. This is primarily guaranteed by Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act, and the Supreme Court’s 1974 ruling in <i>Lau vs. Nichols</i>, a decision that has been repeatedly affirmed in subsequent Supreme Court rulings. <i>Lau</i>, in particular, ensures that English Learners receive the necessary support to gain access to public education, including through programs and services that aid in English language acquisition. • Rescinding EO 13166 is a significant shift for federal agencies because that EO has been a longstanding central plank in our national commitment to ensuring access to public services regardless of language proficiency. It also helped ensure compliance with Title VI’s protections against discrimination on the basis of national origin. • By rescinding EO 13166, the DOJ will have to remove and begin a time-intensive process of issuing numerous policy documents, which could lead to a long period of confusion without clear federal guidance in place. But many agencies have formal regulations in place on this topic, which cannot be undone by the EO itself. • The key moving forward will be to see if agencies such as USED, HHS, etc., maintain their existing policies and practices for ensuring access or if they point to this EO and the rescinding of EO 13166 as rationales to pull back from their current levels of support for language access. • The EO should <i>not</i> affect dual language programs or other models that do not use English as the language of instruction. Indeed, in the early childhood context, the Head Start Performance Standards, which carry the force of law, mandate that programs recognize bilingualism and biliteracy as strengths, and promote dual language acquisition among the 30% of children in Head Start whose home language is not English. Further, in ESSA’s Title III, Congress <i>prohibited</i> such interference: “In carrying

out this part, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating English learners” (20 U.S.C. 6849).

Notes

- More than 30 states have already designated English as their official language. Hawaii and Alaska have multiple official state languages.
- On Inauguration Day, the Administration [took down](#) the Spanish version of the White House website.
- For a sense of the number of learners who speak a language other than English in their homes: [one-third of all children](#) between the ages of zero-to-five are Dual Language Learners, learning English in addition to their home language. [5.3 million K-12 students](#) (nearly 11% of the student population) are English Learners.
- On 7/14/24, DOJ issued [guidance](#) rescinding an 8/16/00 Clinton-era [order](#) that directed federal agencies to enhance access to federal programs for LEP individuals and required tailored guidance for recipients of federal funding under Title VI of the Civil Rights Act. The guidance directs federal agencies to take steps to redirect resources *away* from providing multilingual services that exceed the minimum legal requirements and *toward* programs that facilitate “English-language education and assimilation.”

Office of Civil Rights “Dear Colleague” Letter about Title VI of the Civil Rights Act of 1964 (2/14/25)

Summary

Announces intentions to use Title VI enforcement to advance the Administration’s anti-DEI priorities.

- Declares that OCR will apply the holding in the Supreme Court’s 2023 decision in *SFFA v. Harvard*—it was unlawful to consider an applicant’s racial status in the college admissions process for the purpose of advancing diversity—to many other educational contexts for all early childhood, K-12, and postsecondary recipients of federal funding:
 - OCR will apply *SFFA*’s holding across the board, targeting institutions “using race in decisions pertaining to admissions, hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life.”
- States that neutral-appearing programs, decisions that are nevertheless “motivated by racial considerations,” or policies that rely on proxies for race will also be considered by OCR to violate federal antidiscrimination laws.
- Warns that “DEI programs” that “preference certain racial groups and teach students that certain racial groups bear unique moral burdens” also violate Title VI because they “deny students the ability to participate fully in the life of a school.”

Analysis

- This EducationCounsel [longer legal analysis](#) explores these three key points about the OCR letter:
 - Not all diversity, equity and inclusion policies and programs are unlawful, as the letter suggests.
 - The letter’s rendering of the Supreme Court’s 2023 decision in *SFFA* is both skewed and incomplete. (For example, it suggests *SFFA* applies to hiring, but those decisions are governed by a different law (Title VII) with different standards and case law. And the letter’s treatment of how admissions essays can be used ignores the *SFFA* opinion’s detailed framework about this aspect of the process.)
 - The threat of civil rights enforcement is undercut by the ambiguity of the letter, and the letter itself acknowledges that “Dear Colleague” letters lack the “force and effect” of law and *cannot change the law*.
 - **NOTE:** The linked [analysis](#) includes (non-legal) advice to leaders responding (or not) to the letter.
- The letter seems to reorient federal civil rights enforcement away from its historic focus and toward vindicating the rights of white and Asian students against what it describes as “pervasive and repugnant” discrimination via DEI policies and programs.

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| <ul style="list-style-type: none"> Announces OCR will begin enforcing this approach no later than 14 days from the letter's circulation (i.e., 2/28/25), including "potential loss of federal funding." | <ul style="list-style-type: none"> Any such effort to use Title VI to prevent teaching, learning, or discussing race and issues related to diversity, equity, and inclusion in schools would likely raise significant First Amendment issues, as well as questions in the K-12 context about violating multiple federal statutes barring federal involvement or control over state and local decisions about standards, curricula, and instruction. Some statutes similarly bar such involvement in the higher education context. |
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Notes

- FAQs:** On 3/1/25, OCR [issued FAQs](#) to clarify and expand on the letter. [EducationCounsel's analysis](#) of the FAQs details how they both walk back some of the letter's misstatements about the law while also maintaining some of the letter's problematic overreaching about what does or does not violate Title VI.
- "DEI" CERTIFICATION:** On 4/3/25, USED [required](#) all SEAs and LEAs to sign and return, within ten days (later extended to 20 days), a new [certification](#) indicating that they are not violating Title VI through "illegal DEI practices." USED also [warned](#) that the certifications would constitute a "material condition" for the receipt of their federal funds for purposes of any enforcement of the False Claims Act. This EducationCounsel [analysis](#) explores some legal issues SEAs/LEAs should consider.
 - SEAs (and their LEAs) responded to the 4/24/25 deadline in different ways, with a significant number refusing to sign the certifications or replacing USED's form with their own certifications that emphasize compliance with Title VI only rather than suggest they also agree to comply with USED's broad interpretation of Title VI in the Dear Colleague Letter and FAQs.
- LAWSUIT:** The American Federation of Teachers and others [filed suit](#) on 2/25/25 in Maryland federal court challenging the letter and the FAQ (see next bullet).
 - On 3/28/25, the AFT [moved](#) for a preliminary injunction.
 - On 4/9/25, the AFT [moved](#) for a preliminary injunction regarding the "DEI" certification.
 - On 4/24/25, the court [blocked](#) any enforcement of the DCL (and any enforcement of the FAQs and certification based on the underlying DCL) while the case proceeds. This ruling applies nationwide.
 - On 8/14/25, the court issued a final ruling, vacating the DCL and certification because the court found the actions "unlawful" and held that USED violated the APA.
 - On 10/24/25, the government [appealed](#) the ruling to the 4th Circuit.
 - On 1/21/26, the government withdrew its appeal, effectively ending USED's ability to implement that specific OCR guidance document and the accompanying certification document. On [2/3/26](#) and [2/6/26](#), USED withdrew from two additional cases challenging the documents. (See our legal analyses of the initial [guidance](#), an accompanying [FAQ](#), and the [certification](#) requirement for more information.)
- LAWSUIT:** The National Education Association [filed a similar suit](#) about the Dear Colleague letter and FAQ in a New Hampshire federal court on 3/5/25.
 - On 3/21/25, the NEA [moved](#) for a preliminary injunction.
 - On 4/7/25, the NEA [moved](#) for a temporary restraining order (TRO) to prevent USED from proceeding with the "DEI" certification.
 - The parties [agreed](#) that, in place of the court considering a TRO, USED would pause any enforcement of the certification before the deadline on 4/24/25.
 - On 4/24/25, the court [issued](#) a preliminary injunction, pausing any enforcement of the DCL, FAQs, "End DEI" portal, and certification while the case proceeds. This (appealable) injunction covers any entity that receives federal funding and employs or contracts with the plaintiffs or their members, including all NEA members.
 - On 6/10/25, NEA et al [moved](#) for summary judgment.
- LAWSUIT:** The NAACP Legal Defense Fund filed a [lawsuit](#) on 4/14/25 in a DC federal court challenging the DCL, FAQs, and "DEI" Certification.

- On 4/24/25, the court [issued](#) a nationwide preliminary injunction, pausing any enforcement of the certification while the case proceeds.
- On 5/9/25, the NAACP [filed](#) an amended complaint.
- **LAWSUIT:** On 4/25/25, 19 states [filed a lawsuit](#) in a Massachusetts federal court challenging the “DEI” Certification, making a total of four suits about this action.
 - On 12/4/26, the court set a [trial date](#) of 6/4/26.
- On 3/28/25, the DOJ indicated in a [court filing](#) that the Naval Academy has changed its admissions policy to no longer include *any* consideration of race, pursuant to a 1/29/25 EO titled “[Restoring America’s Fighting Force](#).” Note that any changes by the academies’ current leadership do not alter the fact that the Supreme Court explicitly stated that its *SFFA* ruling does not cover the academies. The Court noted that the military may have different interests not at issue in the *SFFA* case.
 - On 4/11/25, the Air Force Academy [indicated](#) that it had made a similar change to its admissions policy.

“[Eradicating Anti-Christian Bias](#)” EO (2/7/25)

Summary	Analysis
<i>Establishes a task force to address “anti-Christian bias” in the federal government and in private conduct.</i> ● Establishes a large Task Force to Eradicate Anti-Christian Bias, chaired by the Attorney General and including the Secretary of Education among many other cabinet members. ● Requires within 120 days (and again in one year) a Task Force report on efforts to identify anti-Christian “policies, practices, or conduct” along with recommendations for terminating them and revising laws and enforcement approaches that have “contributed to unlawful anti-Christian governmental or private conduct.”	● The EO’s “Purpose and Policy” section includes several examples related to education among the rationales for convening the Task Force: “The Biden Department of Education sought to repeal religious-liberty protections for faith-based organizations on college campuses....And the Biden Department of Health and Human Services sought to drive Christians who do not conform to certain beliefs on sexual orientation and gender identity out of the foster-care system.” ● The EO does not make clear the extent to which actions will be taken regarding “private conduct” beyond requesting the Task Force to provide recommendations for “appropriate actions that agencies may take to remedy failures to fully enforce the law against acts of anti-Christian hostility, vandalism, and violence.”

“[Keeping Men Out of Women’s Sports](#)” EO (2/5/25)

Summary	Analysis
<i>Interprets Title IX to prohibit transgender girls and women from participating in girls’/women’s sports.</i> ● Directs the Secretary of Education to: ○ “Take all appropriate action” to provide “all-female athletic opportunities and all-female locker rooms and thereby provide the equal opportunity guaranteed by Title IX.”	● The EO mostly focuses on which <i>athletic opportunities</i> transgender girls and women can participate in, but the EO also addresses which <i>locker rooms</i> these athletes can use. This part of the EO could come into conflict with legal precedents in some parts of the country that have held

○ Issue regulations and guidance that “clearly specify and clarify” that women’s sports should only include women, as defined by the 1/20 EO on “Defending Women from Gender Ideology Extremism.” ○ Prioritize Title IX enforcement at institutions “that deny female students an equal opportunity to participate in sports and athletic events by requiring them...to compete with or against or to appear unclothed before males.” ● Requires agencies to review and rescind funds for grants that do not comply with the policy in the EO. ● Urges the DOJ to provide resources to “ensure expeditious enforcement” of the actions in the EO.	Title IX protects a transgender student’s right to access bathrooms and other facilities that align with their gender. ● Typically agencies provide notice to the field via Dear Colleague letters, non-binding guidance, or formal rule-making when adopting an interpretation of a statutory provision, and the EO calls on USED to issue such regulations or guidance. As noted to the right, the Administration has already begun investigations under Title IX consistent with the EO.
Notes ● OCR followed up on the EO by announcing investigations into two colleges (San Jose State University & University of Pennsylvania), one athletic association (in Massachusetts), and two more associations regarding their policies and/or decisions allowing transgender students to participate on sports teams that align with their gender. ○ On 3/19/25, the White House announced that DOD and HHS had paused \$175M of Penn’s federal funding as part of a Title IX review. ○ On 4/28/25, USED announced that OCR has found that Penn’s policies violated Title IX, giving Penn 10 days to agree to a proposed resolution or risk a DOJ referral. The finding is notable for many reasons including that, during the period under review, Penn’s policies complied with applicable OCR guidance and NCAA regulations. ■ On 7/1/25, OCR announced a resolution agreement with Penn to resolve the violations. The terms of the agreement include public announcements by the university regarding its policy of excluding transgender women from women’s athletics, rescinding awards previously received by transgender women athletes, and issuing a “personalized letter of apology” to impacted cisgender women athletes. ● On 2/6/25, the NCAA announced it was changing its policy to comply with the EO and would no longer allow transgender women to participate in NCAA-sanctioned women's competitions (although the revised policy allows athletes to practice with women’s teams). ● LAWSUIT: The EO is being challenged in a New Hampshire court by two transgender athletes, who already secured an injunction against a similar state law; they have amended their complaint to also challenge the EO. ○ On 8/18/25, the court paused the proceedings until the Supreme Court renders a decision in Little v. Hecox and <i>WV v. BPJ</i>. ● MINNESOTA: On 2/12/25, USED announced an investigation into Minnesota State High School League (MSHSL) for alleged violations of Title IX, after MSHSL affirmed its commitments to the state’s nondiscrimination policies that allow students to play on teams consistent with their gender identity. ● LAWSUIT: On 4/22/25, the State of Minnesota filed suit against the federal government, challenging the president’s ability to “rewrite” Title IX through executive order. The suit argues that the Minnesota Human Rights Act, amended to include sexual orientation and gender identity, does not violate Title IX as written. On 6/26/25, DOJ motioned to dismiss the suit on the basis that no federal funding has been rescinded and therefore the suit is premature. The proceedings were briefly stayed in October and November 2025 due to the lapse in appropriations. ○ On 1/15/26, the federal government again moved to dismiss the case on the basis that the court lacks jurisdiction and the state has failed to state a claim. ● On 6/3/25, USED OCR opened an investigation in Minnesota Department of Education (MDE) regarding policies that permit students to participate in sports and access bathrooms and locker rooms that align with their gender identity. ○ On 6/12/25, USED announced it was elevating OCR investigations in MDE and MSHSL to the joint USED/DOJ Special Investigative Team (SIT, read more below).	

- On 6/26/25, HHS OCR [announced](#) an additional investigation into MDE and MSHSL on the same bases.
- On 9/30/25, USED and HHS OCR [issued](#) a joint finding of violation against MDE and MSHSL and giving the state 10 days (10/9/25) to sign a proposed agreement that includes adopting “biology-based definitions of ‘male’ and ‘female,’” statewide policy changes, sending a “letter of apology” to cisgender female students who competed with transgender girls, and more.
- On 1/26/26, USED [announced](#) that it has referred MDE and MSHSL for potential enforcement action by DOJ.
- **LAWSUIT:** On 3/30/26, DOJ [sued](#) MDE and MSHSL under Title IX.
- **MAINE:** Maine’s policies are [under investigation](#) by multiple agencies (including USED, HHS, and USDA), following a public argument between President Trump and Maine Governor Mills. HHS’s OCR [found](#) a Title IX violation and USDA paused and then [unpaused](#) \$30 million in federal funds to the state university system. USED’s OCR has [launched](#) an investigation into a school district as well. On 3/19/25, OCR [found](#) that the Maine Dept. of Ed’s policies violate Title XI and on 3/31/25 [declared](#) negotiations are at an impasse.
 - On 4/11/25, USED officially [referred](#) the case to DOJ for further enforcement actions and began its own administrative proceeding; both federal actions could result in Maine losing all of its federal education funding (including Title I).
 - **LAWSUIT:** On 4/11/25, a federal judge in Maine [issued](#) a temporary restraining order against USDA, finding it likely that it was unlawful to withhold Maine’s USDA funding for an unrelated Title IX violation and in a manner that did not comply with procedural requirements.
 - On 5/2/25, Maine Governor Mills [announced](#) that USDA has agreed to release its hold on Maine’s funding in exchange for Maine dropping the suit. Note that the USED/DOJ enforcement actions are not involved in this settlement. On 5/9/25, USDA [informed](#) the court that the state had received the funds.
- **OCR INVESTIGATIONS:** In addition to Maine and Minnesota, OCR has expanded its enforcement efforts from the initial focus on intercollegiate athletics to include the K-12 context and to include investigations about transgender students’ access to facilities like locker rooms and bathrooms that align with their gender.
 - On 3/20/25, OCR [announced](#) a locker room access investigation into the **Illinois Department of Education, Chicago Public Schools, and another district**. On 3/25/25, OCR [announced](#) an investigation into Portland Public Schools (Oregon) regarding athletics and locker room access.
 - On 5/6/25, USED [announced](#) an investigation of the **Saratoga Springs City School District** after the Board of Education adopted a resolution affirming transgender students’ ability to participate in sports and access facilities consistent with their gender identity. The investigation was prompted by a 4/21 [letter](#) to USED from Rep. Elise Stefanik.
 - On 7/25/25 OCR [announced](#) that a Title IX investigation launched in February found that policies in five schools districts in Northern Virginia violate Title IX by allowing students to access bathrooms and other facilities that align with their gender identity. Notably, those districts—**Alexandria City Public Schools, Arlington Public Schools, Fairfax County Public Schools, Loudoun County Public Schools, and Prince William County Public Schools**—are bound by a 4th Circuit [decision](#) recognizing protections for transgender students seeking to access bathrooms aligned with their gender identity under the Equal Protection Clause and Title IX. USED’s 7/25/25 press release cites the Supreme Court’s recent decision in [US v. Skrametti](#), which addressed the constitutionality of state bans on gender-affirming care for minors (but did not consider EPC or Title IX arguments or access to restrooms).
 - On 8/19/25, USED [announced](#) that the five districts will be placed on high risk and reimbursement status only for any federal grants. The reclassification came after the districts rejected a proposed agreement with OCR on 8/15/25 that would have mandated new policies requiring students to use facilities based on their sex assigned at birth.
 - **LAWSUIT:** On 8/29/25, [Fairfax County School Board](#) and [Arlington Public Schools](#) challenged the designation in a lawsuit against USED on the basis that, under applicable 4th Circuit precedent, the districts’ policies are consistent with Title IX. On 9/5/25, the court dismissed the [Fairfax](#) and [Arlington](#) complaint on the basis that because the disputes concern fulfilling a government contract, the proper venue is not federal court but the Court of Federal Claims. On 9/9/25, the

districts [appealed](#) the decision and on 9/15/25 [moved](#) for an emergency injunction while the 4th Circuit considered the appeal.

- On 11/26/25, the 4th Circuit scheduled oral arguments for 1/29/26.
- On 8/28/25, USED [announced](#) a finding that **Denver Public Schools** violated Title IX when it converted a girls restroom into an all-gender facility but did not do the same to the boys restroom on the same floor. The district has until 9/7/25 to respond to a proposed resolution agreement requiring the district to restore all-gender facilities districtwide to their original use, rescind all policies that permit students to access restrooms and other facilities based on their gender identity rather than their sex assigned at birth, and “[a]dopt biology-based definitions for the words ‘male’ and ‘female’ in all policies and practices related to Title IX.”
- On 9/16/25, USED [announced](#) that **Loudoun County Public Schools** (LCPS) violated Title IX by retaliating against two cisgender male students that filed cross complaints against a trans male student after they were accused of harassing their classmate in the boys locker room. The proposed agreement, which LCPS had until 9/25/25 to consider, requires revocation of the cis male students’ suspensions, letters of apology, training for school staff, and more.
 - On 12/8/25, DOJ attempted to [intervene](#) in a private suit filed by the students against LCPS for allegedly violating the suspended students’ rights under the Equal Protection Clause. DOJ was ultimately denied by the court and tried to intervene again. On 2/27/26, LCPS [settled](#) with the students before the judge could rule on DOJ’s second motion to intervene.
- On 1/14/26, USED OCR [announced](#) Title IX investigations into **18 school districts and IHEs** across ten states (including CA, CT, HI, MA, ME, NV, NY, PA, VT, and WA). Each institution has policies permitting students to compete in sports based on their gender identity.
- On 1/28/26, OCR [announced](#) that an investigation into **San Jose State University** (SJSU) found that the school’s gender-identity policies related to athletics and access to facilities violate Title IX. The incidents OCR reviewed involved the participation of a transgender player on the women’s volleyball team from 2021-24, which was *before* President Trump issued the 2/25/25 EO. On 3/24/26, after the lawsuit described in the next bullet was filed, OCR [sent](#) a letter of impending enforcement action to SJSU, requiring compliance within 10 days or risk referral to DOJ for enforcement and/or loss of federal funds.
 - **LAWSUIT:** On 3/5/26, the Board of Trustees of the California State University (of which SJSU is a part) [sued](#) USED on the basis that the school’s policies were consistent with 9th Circuit precedent and federal guidance at the time of the relevant incidents.
- On 2/13/26, OCR [announced](#) that it will investigate **Puyallup School District** (WA) to determine whether the district mishandled an allegation of sexual assault and whether its athletics and locker room policies, which permit students to participate based on their gender identity, violate Title IX.
- On 3/4/26, OCR [announced](#) an investigation in to **New Richmond School District** (WI) regarding its school policies permitting students to access facilities aligned with their gender identity.
- **TITLE IX SPECIAL INVESTIGATIONS TEAM (SIT):** On 4/4/25, USED and DOJ [formed](#) a joint “Title IX Special Investigations Team” that will “apply a rapid resolution investigation process to the increasing volume of Title IX cases and also enable ED and DOJ to work together to conduct investigations that are fully prepared for ultimate DOJ enforcement.” The team will focus on complaints about transgender girls’ and women’s participation in sports and access to facilities aligning with their gender identity. (See our 4/7/25 [Alert](#) for more on the SIT partnership).
 - On 4/30/25, the SIT [announced](#) an investigation under Title IX, FERPA, and PPRA into the Washington Office of the Superintendent of Public Instruction.
 - On 6/12/25, USED announced it was elevating OCR investigations to the SIT that are examining the trans-inclusive sports policies of the Minnesota Department of Education (opened in February) and the Minnesota State High School League (opened 6/3/25).
 - On 1/15/26, USED [announced](#) a Title IX investigation into the California Community College Athletic Association (CCAA) regarding the association’s Transgender Participation Policy. The CCCA investigation will be led by the Special Investigations Team.
- **CALIFORNIA:** President Trump has weighed in recently about a California transgender high school athlete’s participation in the state track and field championships, calling on the California Interscholastic Federation (CIF) to prohibit her participation. After the athlete participated and medaled in two events, President Trump threatened on a 6/3/25 social media post that “large scale fines will be imposed” on the state.

- On 6/3/25, the DOJ's Civil Rights Division sent a [letter](#) to all CA school districts warning them of "legal liability" and potential violation of the Equal Protection Clause for following CIF's policy. The letter requested a "certification" response by 6/9/25 that districts will no longer do so. On 6/3/25, the California Department of Education [informed](#) districts that the state will respond on their behalf.
- On 6/6/25, California [filed](#) a pre-enforcement lawsuit against DOJ in federal court in the Northern District of California. The state seeks to uphold CA's anti-discrimination law (protecting individuals on the basis of sex, sexual orientation, and gender identity) and prevent the administration from taking retaliatory action for refusing to comply with the certification.
 - On 8/22/25, DOJ [moved](#) to dismiss the case for lack of jurisdiction and failure to state a claim as the state had not experienced harm.
- On 6/25/25, ED OCR [announced](#) its findings that CA Department of Education's (CDE) and CIF's trans-inclusive athletics policies violate Title IX. OCR gave the state 10 days to respond to a proposed resolution agreement or risk penalties including potential refer to DOJ.
- On 7/7/25, Secretary. McMahon [announced](#) that CA rejected the proposed resolution agreement and the state "will be hearing from AG Bondi."
- **LAWSUIT:** On 7/9/25, DOJ's Civil Rights Division [filed](#) a Title IX suit against CDE and CIF in federal court in the Central District of California. On 9/5/25, CDE and CFE moved to dismiss the suit, arguing in part that DOJ had failed to state a claim as Title IX does not categorically prohibit trans athletes' participation in sports.
- On 9/10/25, the Department of Energy (DOE) [announced](#) that it will not implement a directed final rule that required DOE funding recipients to allow athletes of one sex to try out for teams of the other sex if the recipient does not sponsor a team that aligns with their sex. The rule was originally [posted](#) for public comment on 5/16/25 and [delayed](#) 7/14/25.
- On 1/13/26, the Supreme Court heard arguments in [Little v. Hecox](#) and [West Virginia v. B.P.J.](#), challenges to state laws in Idaho and West Virginia that bar transgender athletes from participating on female athletic teams. Sec. McMahon spoke at the rally outside the court during oral arguments in support of the state bans.
- **!! NEW:** On 5/20/26, OCR [announced](#) a new directed investigation into Loudoun County Public Schools (LCPS) regarding reports of a high school student taking pictures of classmates in school restrooms over a period of three years. OCR will investigate whether the alleged activities constitute sexual harassment prohibited under Title IX and whether the Virginia district responded appropriately in addressing the behavior.

"Ending Radical Indoctrination in K-12 Schooling" EO (1/29/25)

Summary	Analysis
<i>Seeks to eliminate how K-12 schools incorporate "DEI" and gender in teaching and learning, as well as support for LGBTQ students.</i> ● Addresses three aspects of what the Administration describes as "radical indoctrination": teaching about "discriminatory equity ideology" or "gender ideology"; supporting transgender students' "social transition"; and undermining "patriotic education." The EO provides definitions for each of these terms, portions of which are excerpted in the Notes column to the right. ● Requires the Secretaries of Education, Defense, and HHS, in consultation with the Attorney General, to provide an "Ending Indoctrination Strategy" to the President within 90 days of the EO that contains recommendations and a plan for (1) eliminating federal funding or support for "illegal and discriminatory treatment and indoctrination in K-12	● The use of the phrases "applicable law," "illegal," "unlawful," "discriminatory," and other qualifiers throughout the EO is a reminder that EOs do not supersede existing laws and that calling something "illegal or "unlawful" via an EO does not in fact make it illegal or unlawful. At the same time, the EO calls on various agencies to provide deeper strategies aligned with this EO, which may (or may not) shed further light on how the

schools,” including based on “gender ideology” and “discriminatory equity ideology,” and (2) “protecting parental rights.” Among other activities, the strategy is required to include:

- A summary of “all federal funding sources and streams, including grants or contracts, that directly or indirectly support or subsidize the instruction, advancement, or promotion of gender ideology or discriminatory equity ideology,” including in both K-12 curriculum and instruction as well as teacher certification and training.
- The process and enforcement mechanisms through which each agency could “prevent or rescind federal funds, to the maximum extent consistent with applicable law, from being used by an educational service agency (ESA), state educational agency (SEA), local educational agency (LEA), elementary school, or secondary school to directly or indirectly support or subsidize”:
 - (1) “promotion of gender ideology or discriminatory equity ideology in K-12 curriculum and instruction and teacher certification, employment, and training”;
 - (2) the “social transition” of a minor student; and
 - (3) “any interference of (i) a parent’s federal statutory right to information under the Protection of Pupil Rights Amendment (PPRA)/Family Educational Rights and Privacy Act (FERPA)” or (ii) violation of anti-discrimination laws including Title VI or Title IX.
- Requires the DOJ to “coordinate with State attorneys general and local district attorneys in their efforts to enforce the law and file appropriate actions against K-12 teachers and school officials who violate the law by sexually exploiting minors; unlawfully practicing medicine by offering diagnoses and treatment without the requisite license; or otherwise unlawfully facilitating the social transition of a minor student.”
- Reestablishes the President’s Advisory 1776 Commission, which was established under the first Trump Administration to “promote patriotic education.” The 20-member Commission will promote public knowledge of and support for patriotic education surrounding the US’s 250th anniversary.
- Orders all agencies to promote patriotic education where possible, including through USED’s American History and Civics Academies and American History and Civics Education-National Activities programs, and DOD’s National Defense Education Program and Pilot Program on Enhanced Civics Education.

Trump Admin will interpret federal nondiscrimination laws.

- Multiple applicable federal statutes prohibit the federal government from interfering with state and local authority to make decisions about K-12 curriculum and instructional materials. More details can be found in [this blog post](#). In addition, many states have their own laws requiring curriculum related to diversity or student supports related to gender identity. Depending on how the Administration approaches implementation, these other state and federal laws may stand in the Administration’s way of fully implementing this EO.
- This EO is very likely to be challenged in court, although the timing and nature of those challenges will turn on the Administration’s approach to enforcement.
- The definitions included are likely to show up in agency efforts to advance the EO’s goals as well as in bills introduced in Congress.

Notes

- The EO’s definitions include, but are not limited to, these terms:
 - discriminatory equity ideology as an ideology that “treats individuals as members of preferred or disfavored groups, rather than individuals, and minimizes agency, merit, and capability in favor of immoral generalizations,” including those based on race;
 - social transition as “the process of adopting a ‘gender identity’ or ‘gender marker’ that differs from a person’s sex”;
 - patriotic education as a history of America grounded in “an accurate, honest, unifying, inspiring, and ennobling characterization of America’s founding”; how America has “admirably grown closer to its noble purpose”; that “commitment to America’s aspirations is beneficial and justified”; and that “celebration of America’s greatness and history is proper.”
- As a federally-operated school system, the Department of Defense Education Activity (DoDEA) has quickly instituted [several changes](#) to implement the EO. DODEA

schools are likely to continue being at the front edge of implementing the Administration's policies in K-12 school settings.

- **LAWSUIT:** On 4/15/25, twelve K-12 students attending DoDEA schools [filed](#) a lawsuit challenging DoDEA's removal of certain books and curricular materials as part of the DOD's implementation of the "anti-DEI" EOs.
 - On 10/20/25, the court [granted](#) a preliminary injunction against the DOD requiring the return of materials to library shelves and preventing any further removals through the duration of the litigation. On 12/18/25, DOD [appealed](#) the PI to the 4th Circuit.
- **FERPA:** USED has taken several steps to enforce the Family Educational Rights Privacy Act (FERPA) in the context of K-12 schools' policies and practices related to changes in students' names, pronouns, etc. while at school.
 - On 3/27/25, USED's Student Privacy Policy Office (SPPO) [initiated](#) an investigation into the California Department of Education (CDE) alleging that CDE (and its school districts) are violating FERPA by adhering to a [state law](#) that preserves parents' rights to access their children's school records but prohibits districts from requiring that school staff *affirmatively* disclose to parents information about a student's gender identity at school.
 - On 1/28/26, USED [announced](#) that SPPO found CDE in violation of FERPA, [reportedly](#) giving CDE two weeks to respond to a proposed list of actions that would "voluntarily resolve its FERPA violations." (See our 2/4/26 [Alert](#) for more information.)
 - On 3/28/25, SPPO [announced](#) a similar investigation into the Maine Dept. of Education regarding its school districts' policies on this issue.
 - On 3/28/25, SPPO [issued](#) a new [Dear Colleague Letter](#) to state chiefs and district superintendents notifying them of their obligations under FERPA and the Protection of Pupil Rights Amendment (PPRA) to "allow parents to review all education records of their student, including any document related to a student's 'gender identity.'" The letter directs all SEA by 4/30/25 to document compliance with both laws, particularly the following two "priority" concerns: "[e]nsuring parental rights to inspect and review education records" (especially "gender plans") and "[e]nsuring parents receive annual notification of rights" under FERPA.
 - On 2/5/26, USED issued a [Dear Colleague Letter](#) (DCL) to presidents of institutions of higher education (IHEs) regarding whether the use of student data in the [National Study of Learning, Voting, and Engagement](#) (NSLVE) complies with FERPA. The DCL states that SPPO is investigating NSLVE's compliance with FERPA, and calls for IHEs not to use NSLVE data, rescinds Biden-era guidance and resources, and names the withholding of federal funds as a potential enforcement action.
 - On 2/5/26, USED [announced](#) a new investigation into Tufts University over its use of NSLVE data.
- On 6/17/25, SAMSHA [announced](#) that it will end LGBTQ+ specific services through the 988 Suicide & Crisis Lifeline on 7/17/25 to "focus on funding *all* help seekers."
- On 6/20/25, ACF at HHS sent a [letter](#) to California requiring the removal of all content related to "gender ideology" from the state's federally-funded Personal Responsibility Education Program following a review of the curriculum that identified information about transgender identities.
 - On 8/26/25, ACF [directed](#) current PREP grant recipients to remove all content related to gender identity from their curricula within 60 days or risk loss of federal funding.
- On 9/9/25, DOJ [issued](#) an internal memo titled, "[Upholding Constitutional Rights and Parental Authority in America's Education System](#)." Through the memo, the Attorney General also directs DOJ's Civil Rights Division to "be alert to violations of parental rights and First Amendment liberties in educational settings" and U.S. Attorneys "to work with federal, state, and local partners to identify and respond to credible threats against parents and violations of their federal rights."
- On 9/16/25, USED [announced](#) cut additional FY25 funds from a set of USED grant programs, moving \$137 million to the [American History and Civics Education program](#). [Reporting](#) traced the funding to cuts to the [Supporting Effective Educators Development program](#) and the [Teacher and School Leader Incentive](#) program.
- On 9/17/25, USED [proposed](#) a new supplemental grant priority, "Promoting Patriotic Education," that would "focus grant funds on programs that promote a patriotic education that cultivates citizen competency and informed patriotism ... and communicates the American political tradition to students at all levels." Public comments is due by 10/17/25. (See our [updated Deep Dive](#) for more information about the Sec. McMahon's supplemental priorities.)

- On the same day, 9/17/25, USED [announced](#) the launch of the [America 250 Civics Education Coalition](#), “dedicated to renewing patriotism, strengthening civic knowledge, and advancing a shared understanding of America’s founding principles in schools across the nation.” The coalition includes more than 40 national and state-based organizations, co-led by the America First Policy Institute, Turning Point USA, and Hillsdale College.
- On 9/29/25, USED’s Student Privacy Policy Office [initiated](#) an enforcement action against Fairfax County Public Schools under the Protection of Pupil Rights Amendment (PPRA). The action involves allegations that a high school social worker facilitated two students’ access to abortion services without notifying their parents.

PARENTS RIGHTS AND CURRICULUM INVESTIGATIONS

- On 2/18/26, DOJ [announced](#) investigations into [Detroit Public Schools Community District](#), [Godfrey-Lee Public Schools](#), and the [Lansing School District](#) to determine if the districts are complying with Title IX and the Supreme Court’s 2025 ruling in [Mahmoud v. Taylor](#). Among other things, DOJ indicated it will determine whether parents had sufficient notice to opt children out of lessons featuring “sexual orientation and gender ideology...content” inconsistent with their religious beliefs.
- **!! NEW:** On 4/30/26, DOJ [announced](#) investigations into 36 K-12 school districts in Illinois on similar bases. In addition to citing *Mahmoud*, the announcement referenced the Supreme Court’s 3/2/26 emergency docket decision in [Mirabelli v. Bonta](#).
- **!! NEW:** On 6/8/26, DOJ announced investigations into Graves Elementary School District, San Francisco Unified School District (SFUSD), Santa Rita Union School District, and Soledad Unified School District in California on similar bases. Unlike the MI and IL investigations, the CA announcement referenced state laws that require instruction on SOGI in sex ed and core subjects.

[“Additional Measures to Combat Anti-Semitism”](#) EO (1/29/25)

Summary	Analysis
<i>Requires agencies to identify new mechanisms and strategies to combat antisemitism, including on college campuses.</i> ● Reaffirms EO 13899, “Combating Anti-Semitism,” which was issued in President Trump’s first term, and charges all executive departments and agencies with combating antisemitism. Neither that EO nor this new one adopts a definition of “antisemitism,” although EO 13899 does direct federal agencies to “consider” the definition developed by the International Holocaust Remembrance Alliance (IHRA). ● Requires agency heads within 60 days to submit a report identifying all civil and criminal authorities or actions that might be used to further “curb or combat antisemitism,” including an inventory and analysis of: ○ “all pending administrative complaints against or involving institutions of higher education alleging civil-rights violations related to or arising from post-October 7, 2023, campus anti-Semitism;” ○ (for DOJ) “all court cases against or involving institutions of higher education alleging civil-rights violations related to or arising from post-October 7, 2023, campus anti-Semitism” and “whether the Attorney General has or intends to take action” with respect to court cases involving institutions of higher education; and ○ (for USED) “all Title VI complaints and administrative actions, including in K-12 education, related to anti-Semitism — pending or resolved after October 7, 2023 — within [OCR].”	● This EO aims to drive widespread investigations and reporting of antisemitism as well as enforcement of existing legal prohibitions of antisemitism. The EO focuses particularly, but not solely, on college campuses. ● Although First Amendment protections apply to campus protests, the EO encourages institutions to “monitor” and “report” foreign students and staff who might be subject to deportation under 8 U.S.C. 1182(a)(3) if they are found to have expressed support for “terrorist organizations or activity.” ● The EO’s encouragement of the Attorney General to make use of civil and criminal statutes could have further chilling effects.

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| <ul style="list-style-type: none"> • The USED, State, and DHS reports must also include “recommendations for familiarizing institutions of higher education with the grounds for inadmissible aliens [8 U.S.C. 1182(a)(3)], so that institutions may monitor for and report activities by alien students and staff relevant to those grounds and for ensuring that such reports about aliens lead, as appropriate and consistent with applicable law, to investigations and, if warranted, actions to remove such aliens.” • Encourages the DOJ to enforce civil rights laws to combat antisemitism and, in so doing, specifically references a criminal law, 18 U.S.C. 241, which makes it a felony to conspire against someone's rights. | <ul style="list-style-type: none"> • Given the breadth and vagueness of the EO’s charges, and the protections of the First Amendment, this EO and/or future guidance or actions stemming from it are likely to be challenged in court. |
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Notes

- The White House also issued a [fact sheet](#) accompanying the EO, which, among other things, makes clear the purpose of referencing 8 U.S.C. 1182(a)(3). In it, President Trump stated, “To all the resident aliens who joined in the pro-jihadist protests, we put you on notice: come 2025, we will find you, and we will deport you. I will also quickly cancel the student visas of all Hamas sympathizers on college campuses, which have been infested with radicalism like never before.”
 - On 3/25/25, several media outlets [reported](#) that OCR, as part of these investigations, is seeking the names and nationalities of students who participated in the protests at the center of the allegations against the institutions.
- On 2/3/25, OCR [announced](#) investigations into five IHEs as a follow up to this EO.
 - On 3/10/25, OCR [sent](#) letters to 55 universities (in addition to the initial five) that are “presently under investigation for Title VI violations relating to antisemitic harassment and discrimination” to warn them of potential enforcement actions, especially following a 3/7/25 [announcement](#) that resolving antisemitism complaints will be a top OCR priority.
- **ANTISEMITISM TASK FORCE:** The DOJ has organized a cross-agency task force to help implement this EO that includes, among others, USED, HHS, and the General Services Administration (GSA). The task force has begun investigating universities and, while the investigations are pending, has canceled portions of several universities’ federal contracts and grants. For example, the Administration has frozen \$1 billion of Cornell’s federal funds and \$790 million of Northwestern’s. Below are more details about two of the most notable enforcement actions thus far:
 - **COLUMBIA:** On 3/3/25, the task force [announced](#) an investigation into Columbia University regarding its approach to protecting students from anti-semitism and raised the possibility of “Stop Work Orders” for Columbia’s federal contracts and a review of all of its federal grants.
 - On 3/7, just four days later, the Administration [announced](#) initial cancellations of \$400 million in grants and contracts to Columbia.
 - In a 3/13 [letter](#), the task force identified nine “precondition[s] for formal negotiations regarding [Columbia’s] continued financial relationship with the [US] government” that must be met by 3/20.
 - On 3/24/25, the task force [acknowledged](#) that Columbia met the pre-conditions, characterizing them as a “first step.”
 - On 5/28/25, HHS and ED OCRs [announced](#) the joint investigation found Columbia in violation of Title VI "by acting with deliberate indifference towards student-on-student harassment of Jewish students from October 7, 2023, through the present."
 - On 6/4, USED [announced](#) that it notified Columbia’s accreditor of the violation. On 6/26/25, the accreditor [placed](#) Columbia on “non-compliance warning.”
 - On 7/23/25, the Administration [announced](#) it had entered into a three-year settlement with Columbia to resolve a number of federal inquiries and funding freezes, mostly stemming from allegations regarding Columbia’s responses to antisemitism. The university will pay a \$200 million fine to the government over three years and, to resolve an EEOC investigation, another \$21 million to Jewish employees. Sec. McMahon [characterized](#) the agreement as a “roadmap for elite universities that wish to regain the confidence of the American public by renewing their commitment to truth-seeking, merit, and civil debate.” A comprehensive analysis can be found [here](#).

- **LAWSUIT:** On 3/25/25, Columbia professors (via the American Association of University Professors (AAUP) and the AFT) [filed](#) a lawsuit in a New York federal court. On 4/3/25, AAUP and AFT [moved](#) for a preliminary injunction.
 - On 6/17/25, the court [dismissed](#) the suit for lack of standing, as the plaintiffs could not sufficiently show that AAUP or AFT members had been directly impacted by the cuts.
- **UNIVERSITY OF CALIFORNIA SYSTEM:** On 3/5/25, DOJ [announced](#) a taskforce investigation into the University of California (UC) system regarding whether the university system violated Title VII “by allowing an Antisemitic hostile work environment to exist on its campuses.”
 - On 5/9/25, DOJ launched an investigation into UC regarding whether the university system violated Title VI by “response to incidents of antisemitic discrimination, harassment, abuse, and retaliation against students that occurred within the educational environment of the UC System.”
 - On 8/6/25, UCLA President Julio Frenk confirmed to the university community that the Administration had frozen \$584m in research grants from NSF, NIH, and Energy. News coverage [reported](#) that the Administration proposed a \$1b fine as part of a settlement agreement to release the funds. UC President James Milliken [said](#) in a statement that “a payment of this scale would completely devastate our country’s greatest public university system as well as inflict great harm on our students and all Californians.”
 - On 8/12/25, DOJ [notified](#) UCLA that an investigation concluded that the university violated the Equal Protection Clause and Title VI in its handling of allegations of antisemitism connected to pro-Palestinian encampments and related incidents in Spring 2024.
 - **LAWSUIT:** On 8/13/25, a federal judge [directed](#) the Administration to release 300 NSF grants to UCLA, frozen on 7/30/25 in violation of a June [preliminary injunction](#) halting NSF grant suspensions to the UC System.
 - On 9/22/25, the court issued a [preliminary injunction](#) restoring frozen federal grants to UCLA. On 11/20/25, the government [appealed](#) the injunction to the 9th Circuit. On 2/11/26, the Trump Administration withdrew its appeal.
 - **LAWSUIT:** On 9/19/25, a coalition of unions and groups representing UC faculty and staff filed [suit](#) alleging that the federal government’s efforts to terminate grants and put pressure on the university system to align with the Administration’s political agenda violate the APA, the First and Fifth Amendments, and more.
 - On 11/14/25, the court [issued](#) a preliminary injunction that bars Trump Administration from terminating federal grant funding against the UC system.
 - On 1/13/26, the Administration [appealed](#) the decision granting the PI to the Ninth Circuit Court of Appeals.
 - On 9/28/25, [reporting](#) indicates the EEOC launched an investigation into alleged antisemitism at all 22 campuses of the California State University System.
 - **!! NEW / LAWSUIT:** On 5/26/26, DOJ filed a new [lawsuit](#) against the University of California Board of Regents, alleging that UCLA violated Title VI by failing to address a hostile learning environment for Jewish and Israeli students. (See our [5/29/26 Alert](#) for further analysis.)
- **HARVARD:** On 3/31/25, the task force [announced](#) a similar review of Harvard University. (See EducationCounsel’s [DEEP DIVE](#) for a full and ongoing summary.)
 - **LAWSUIT:** On 4/9/25, Harvard professors (via AAUP) [filed](#) a lawsuit in a Massachusetts federal court in response to the task force’s initial set of (Columbia-like) “pre-conditions.”
 - After the task force detailed even more far-reaching demands Harvard must meet and after Harvard then [communicated](#) it would not comply, the task force [announced](#) on 4/14/25 that it was freezing \$2.2 billion in grants and \$60 million in contracts.
 - **LAWSUIT:** On 4/21/25, Harvard University itself [filed](#) a lawsuit in a Massachusetts federal court. Reporting [suggests](#) the Administration is also considering freezing an additional \$1 billion in grants and threatening to have the IRS revoke the university’s non-profit status.
 - On 5/5/25, Sec. McMahon [notified](#) Harvard that the university will no longer be eligible for new federal grants. The basis for this determination is unclear, though the letter appears to reference the university’s refusal to comply with the Task Force’s 4/11/25 [letter](#).

- On 5/13/25, the task force [announced](#) the termination of an additional \$450 million in grants to Harvard across eight federal agencies.
- On 5/19, HHS [announced](#) the termination of an additional \$60 million in grants alleging the university's "continued failure to address antisemitic harassment and race discrimination."
- On 5/22, DHS [announced](#) the termination of Harvard's Student and Exchange Visitor Program (SEVP) certification, which would end enrollment of international students for SY25-26 and direct current students to transfer. On 5/23/25, Harvard [sued](#) DHS and [received](#) a TRO. On 5/29/25, DHS rescinded its action and [notified](#) Harvard that the university will have 30 days to contest the termination. On 6/20/25, the court [issued](#) a preliminary injunction against DHS's efforts to terminate Harvard's SEVP certification and directed the government to instruct employees to "disregard" DHS's action and "restore every visa holder and applicant to the position" prior to the revocation. (See "Enhancing National Security By Addressing Risks at Harvard University" Presidential Proclamation (6/4/25)," summarized [below](#).)
- On 5/27/25, GSA [directed](#) all federal agencies to terminate remaining contracts with Harvard by June 6 ([estimated](#) at \$100 million across nine agencies).
- On 6/30/25, HHS OCR [issued](#) a letter of violation to Harvard on behalf of the task force, finding that the university engaged in "deliberate indifference towards that discrimination directed towards Jewish and Israeli students" from 10/7/23 to the present. The [letter](#) notes that Harvard is statutorily entitled to at least ten days to provide voluntary compliance but HHS "will refer this matter to the Department of Justice as soon as possible after the mailing of this Notice."
- On 7/8/25, USED [announced](#) that it notified Harvard's accreditor of the violation.
- On 9/3/25, the federal district court [granted](#) Harvard's motion for summary judgment in the action beginning on 4/21/25, ruling that the Administration's freezing of \$2.6 billion in federal research funding was unlawful. The court rejected the Administration's claim that it froze (and later cut) the funding because of how Harvard responded to antisemitism on campus, finding that "[a] review of the administrative record makes it difficult to conclude anything other than that Defendants used antisemitism as a smokescreen for a targeted, ideologically-motivated assault on this country's premier universities."
- On 9/29/25, HHS [announced](#) that it has referred Harvard to the suspension and debarment process, which allows the federal government to determine that an institution is not responsible enough to continue to access federal funding. If the process results in such a designation by HHS, it would apply government-wide and prohibit Harvard from receiving funding from any federal agency.
- On 12/18/25, DOJ [appealed](#) the 9/3/25 lower court decision to the First Circuit Court of Appeals.
- On 3/20/26, DOJ filed a new [lawsuit](#) against Harvard, alleging the university violated Title VI by failing to address a hostile learning environment against Jewish and Israeli students.
- On 3/23/26, USED [announced](#) a new OCR investigation into Harvard regarding allegations of "ongoing antisemitic harassment on Harvard's campus and the institution's purported failure to protect Jewish students."
- On 4/22/25, the American Association of Colleges and Universities (AAC&U) published a [letter](#) calling for "constructive engagement" by the Administration with higher education institutions and pushing back on infringements of academic freedom. As of 1/15/25, 666 college presidents had signed onto the letter.
- **LAWSUIT:** On 3/25/25, AAUP [filed](#) a lawsuit challenging the Administration's deportation initiative targeting pro-Palestinian student organizers.
 - On 4/29/25, the court largely [denied](#) the government's motion to dismiss.
- On 11/7/25, Cornell University signed an [agreement](#) with the Trump Administration to settle civil rights investigations and restore its terminated or frozen federal funding (totalling more than \$250 million). (See our 11/13/25 [Alert](#) for more information.)
- On 11/28/25, Northwestern University signed an [agreement](#) with the Trump Administration to settle civil rights investigations and restore its terminated or frozen federal funding (totalling more than \$790 million according to [Northwestern](#)). (See our 12/2/25 [Alert](#) for more information.)

- On 12/10/25, Pomona College [announced](#) the resolution of an USED OCR Title VI investigation, spurred by an April 2024 complaint alleging the college had failed to address antisemitism. OCR mediated the [agreement](#) between Pomona and several organizations. (See our 1/8/26 [Alert](#) for more information.)
- On 2/13/26, DOJ, in partnership with HHS OCR, [announced](#) that it will investigate **Lincoln Memorial University** to determine whether the university discriminated against Jewish students in violation of Title VI, which prohibits discrimination on the basis of national origin, including shared ancestry.
- **!! NEW:** On 4/23/26, OCR [announced](#) an investigation into New York City Public Schools, focusing primarily on allegations regarding the actions of a group of district educators that, independent of the school or district, organized a series of seminars focused on “Palestine, Zionism, and Resistance.” The complaint alleges that content conveyed in the sessions may have contributed to a hostile learning environment for Jewish students.
- **!! NEW:** On 5/8/26, OCR [announced](#) an investigation into Bay County School District in Florida, alleging that the district failed to address persistent student-to-student antisemitism harassment in its schools.

“Ending Illegal Discrimination and Restoring Merit-Based Opportunity” EO (1/21/2025)

Summary	Analysis
<i>Reinforces the other anti-DEI order and further seeks to eliminate DEI programs/initiatives beyond the federal government.</i> ● States that the “Federal Government, major corporations, ...the medical industry,...institutions of higher education” and other non-federal entities “have adopted...dangerous, demeaning, immoral race- and sex-based preferences under the guise of so-called ‘diversity, equity, and inclusion’ (DEI) or...DEIA that can violate civil rights laws...” ● Establishes a policy of “promot[ing] individual initiative, excellence, and hard work” and directs “all agencies to enforce our longstanding Federal civil-rights laws and...combat illegal private-sector DEI preferences, mandates, policies, programs, and activities.” It further instructs all federal agencies to “terminate all discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements.” This includes termination of all “‘diversity,’ ‘equity,’ ‘equitable decision-making,’ ‘equitable deployment of financial and technical assistance,’ ‘advancing equity,’ and like mandates, requirements, programs, or activities, as appropriate.” ● Directs the Attorney General and Secretary of Education within 120 days of the order 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” <i>SFFA</i>.	● The Trump Administration here lays out plans to target and prioritize efforts to prevent actions that it might characterize as unlawful “DEI,” but it cannot use this EO to outlaw all “DEI” programs categorically. As implementation moves forward, the key questions are what the Trump Administration has the authority to say is illegal under federal law; how, when there is overreach, the field reacts to the potential chilling effect; and what the courts ultimately say about efforts to reinterpret antidiscrimination laws. ● The ambiguities of this EO’s requirements for federal action and its characterization of all DEI efforts as illegal raise First Amendment issues. The Supreme Court in <i>SFFA</i>, for example, characterizes diversity interests as “commendable” and “worthy,” not illegal. ● The EO rescinds seven longstanding equal opportunity EOs, including a 1965 order (EO 11246) from the Lyndon B. Johnson Administration that has been a hallmark of the civil rights era to ensure anti-discrimination protections for employees of federal contractors and subcontractors. ● The EO calls on each federal agency to identify large non-profits, colleges and universities, and foundations for potential civil investigations relating to their advancement of DEI efforts. Whether the identification of these entities leads to enforcement of any kind is

- Directs the head of each agency to include in all contracts or grant awards a term requiring the contracting or receiving party to “certify that it does not operate any programs promoting DEI that violate any applicable federal anti-discrimination laws.”
- Directs the Attorney General within 120 days (i.e., 5/21/25) to make recommendations for ending private sector “illegal DEI discrimination.”
- Directs every agency to 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.”

unknown. But, as with other actions, the chilling effect it may have on entities engaged in DEI efforts may prove significant.

- The EO’s requirement that every contract or grant award, which would include future contracts or grants, include a “term...that...compliance in all respects with Federal anti-discrimination laws is material to the government’s payment decisions for purposes of [the False Claims Act],” may give rise to False Claims Act liability for noncompliance.

Notes

- **LAWSUIT:** Several lawsuits are challenging this EO (alongside the EO just below), including: (1) [NADOHE](#) and the City of Baltimore; (2) US intelligence officers assigned to DEIA initiatives (they’ve won a [stay](#) of their terminations); and (3) a group of nonprofits including the National Urban League.
 - On 2/21/25, the court in the NADOHE/ Baltimore case issued a [won a preliminary nationwide injunction](#), enjoining this EO’s “certification” requirement and part of the EO’s enforcement threats. (The injunction also halts the terminations called for by the EO below.) Among its reasons, the court [cited](#) “widespread chilling of unquestionably protected speech.” More analysis is underway to understand any effect on other EOs related to the Administration’s anti-“DEI” policies.
 - On 3/10/25, the court [clarified](#) that its injunction applies to *all* federal agencies.
 - On 3/14/25, the Fourth Circuit Court of Appeals [stayed](#) the district court’s injunction pending appeal, meaning USED can return to implementing the EO for now. Two of the three judges emphasized that although they concluded the mere existence of the EOs should not trigger a preliminary injunction, a court may find the EOs unlawful once USED acts to enforce them, for the same reasons the district court found persuasive.
 - On 2/6/26, the Fourth Circuit fully [vacated](#) the lower court’s preliminary injunction (that had been stayed, per the above bullet).
 - On 2/28/25, the National Urban League and a set of other groups [filed](#) for a preliminary injunction arguing that the government’s actions violated the First, Fifth, and 14th Amendments and the separation of powers clause of the Constitution. On 5/2, the court [denied](#) the motion. On 6/30/25, NUL et al [filed](#) an amended complaint.
 - On 8/8/25, the government [moved](#) to dismiss the case arguing that the court did not have jurisdiction to hear and that the groups had failed to state a claim.
- **LAWSUIT:** Two groups filed lawsuits in federal court in Massachusetts challenging the termination of NIH grants on the basis that they incorporated “DEI,” alleging constitutional violations and of the APA. One [suit](#) includes 16 states whose public universities receive funding from NIH and the other [group](#) is led by the American Public Health Association. In both cases the court finding that the Administration’s anti-“DEI” policies, which prompted the terminations, were themselves unlawful and directing the government to continue providing funds under the grants through the duration of the litigation. The government appealed both cases to the 1st Circuit.
 - On 7/18/25, the 1st Circuit denied a stay in both cases. The government appealed to the Supreme Court, which consolidated the cases.
 - On 8/21/25, the U.S. Supreme Court created new procedural hurdles for federal grantees suing to reinstate funding terminated by the Trump Administration. The Court in *NIH v. APHA* [stayed](#) the court order, ruling that the federal district court lacked jurisdiction to reinstate any terminated grants because the Court likened those claims to a contract dispute that belongs in the Federal Court of Claims. But the Court also ruled that the district court had jurisdiction to consider challenges to the Administration’s policies under the APA claim based on statutory and constitutional grounds not related to breach of contract.
- On 4/21/25, the National Institute for Health (NIH) [modified](#) the terms and conditions of its awards to include a term requiring the type of certification called for in this EO: NIH grantees must certify that they do not “operate any programs that advance or promote DEI, DEIA, or discriminatory equity ideology in violation of Federal anti-discrimination laws.” They must also certify they do not participate in the boycott, divestment, and sanctions movement against Israel.

- On 5/22/25, DOJ [announced](#) the creation of the Civil Rights Fraud Initiative, a partnership between the Civil Fraud Section and the Civil Rights Division (in collaboration with other offices and agencies) that will enforce the False Claims Act against recipients of federal funds that allegedly violate civil rights laws by engaging in DEI, affirmative action, trans-inclusive policies, and more.
- On 7/29/25, DOJ released non-binding [guidance](#) on federal antidiscrimination laws, especially as the Administration will apply them to “DEI” programs across early, K-12, and higher education. While some portions of the guidance reflect current law, others misstate or overreach—creating a real risk of chilling lawful practices to ensure equal opportunity for all. (See EducationCounsel’s [DEEP DIVE](#) for more analysis.)
- On 8/12/25, DOJ [announced](#) a settlement in a lawsuit brought by SFFA challenging the admissions policies at West Point and the Air Force Academy. These two academies will join the [Naval Academy](#) in no longer considering race in their admissions decisions, despite the Supreme Court explicitly carving military academies out of its 2023 *SFFA v. Harvard* decision.
- On 8/22/25, USED’s Office for Civil Rights (OCR) [announced](#) that an investigation into George Mason University (GMU) determined that GMU violated Title VI through the use of race and other protected characteristics in university practices and policies, including hiring and promotion. Notably, OCR’s period of review included university policies and practices from 2020 to the present, predating the Supreme Court’s June 2023 decision in *SFFA v. Harvard* and the second Trump Administration’s “anti-DEI” efforts. GMU has a deadline of 9/1/25 to respond to OCR’s proposed resolution requiring various policy changes and announcements, which include “a personal apology from GMU’s President.” On 8/25/25, GMU [refused](#) the terms of the proposed agreement.
- On 1/28/26, GSA issued a [notice and request for comments](#) on a proposed [revision](#) to certifications that almost all recipients of federal funding must submit. According to the notice, the revisions are designed to “align with updated executive branch guidance,” including the “Ending Illegal Discrimination” EO and DOJ’s [guidance](#) on applying federal antidiscrimination law to DEI. (See our Deep Dive, “[Misguidance](#),” for our analysis of the DOJ guidance.) [Comments](#) on the proposed revisions are due on 3/30/26. (See our [Overview & FAQs](#) for more information about the GSA’s proposal.)
- **!! NEW:** On 5/29/26, OMB [proposed](#) revising its “Guidance for Federal Financial Assistance” and converting it into a regulation that would legally bind federal agencies and recipients of federal financial assistance. Dozens of federal agencies that offer funding have joined OMB in issuing a [notice of proposed rulemaking](#), with substantive changes mostly seeking to advance the Administration’s policy preferences by excluding a broad range of topics from the allowable uses of federal funding. These include topics such as, but not limited to: diversity, equity, inclusion, and accessibility efforts; gender identity; illegal immigration; “anti-American values”; and “disparate impact liability.” Public comments must be [submitted](#) by 7/13/26. (See our [6/11/26 Alert](#) for more information.)

[“Ending Radical and Wasteful Government DEI Programs and Preferencing” EO \(1/20/25\)](#)

Summary	Analysis
<i>Eliminates diversity, equity, and inclusion (DEI) and diversity, equity, inclusion, and accessibility (DEIA) programs/initiatives in the federal government.</i> • Terminates all “illegal DEI” policies, programs, and activities “in the Federal Government, under whatever name they appear,” including but not only hiring, and calls for necessary revisions of employment practices, union contracts, or training policies. • Requires each agency within 60 days (i.e., 3/20/25) to: (1) terminate, “to the maximum extent allowed by law,” all DEI offices/positions; “equity action plans;”	• This EO does not define DEI while seemingly characterizing all <i>federal</i> “DEI” activities, including those within the U.S. Department of Education (USED) and other agencies, as “illegal and immoral discrimination.” The EO contrasts “DEI” as a concept with approaches that “reward individual initiative, skills, performance, and hard work.” That said, the EO does not expressly declare “DEI” initiatives as unlawful for the field under federal law, such as Title VI. Further, the EO should not have the authority to eliminate programs that Congress required to be created and funded.

“equity-related” programs, grants, or contracts; and DEI performance requirements for employees, contractors, or grantees; (2) provide a list of all prior Administration agency activities or federal contractors who have provided trainings or materials to agencies; (3) provide a list of all federal grantees funded to provide or advance DEI programs, services, or activities; (4) assess the cost of prior Administration DEI actions; and (5) recommend further federal actions to align federal programs, activities, policies, regulations, guidance, employment, enforcement, contracts, grants, orders, and litigating positions with this anti-DEI EO. Establishes monthly meetings led by the Domestic Policy Council to track progress and identify areas for additional action.	- The EO does, however, create an obligation on federal agencies and a mechanism within the White House to identify and advance other recommendations to eliminate “DEI” and terminate DEI-related grants and contracts, which could give rise to further field-facing actions. For example, the call for recommendations on new “litigating positions” aligned with the EO previews expected shifts in Administration postures in court cases seeking to end any consideration of race or ethnicity in education. - The EO addresses federal “DEI” and “DEIA” programs, with the “A” standing for “accessibility,” which the Government Accountability Office (GAO) has defined as “[t]he design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them.” Common usage in equity-advancing programs considers “A” to be access for those experiencing barriers, particularly people with disabilities.
Notes - Following the issuance of this EO, the Trump Administration instructed federal agencies to place all federal DEI staff on leave and take down all DEI websites or media. - Additionally, all federal agencies issued letters to their employees requiring them to report any information about DEI programs, including where language was changed with regard to those programs, and threatening them with adverse employment action if they fail to do so. - USED summarized its early implementation efforts of this EO in this press release. LAWSUIT: Several lawsuits are challenging this EO, alongside the EO just above. Notes about these lawsuits appear there. - On 5/6/25, USED cancelled grants to the Corporation for Public Broadcasting through the ESEA Ready to Learn program on the basis that funds were used for “racial justice educational programming.” Past funds have supported Sesame Street, Reading Rainbow, and more. - On 6/30/25, media outlets reported that USED and the Office of Management and Budget (OMB) informed state departments of education that the Administration is withholding for review nearly \$6.9 billion in Every Student Succeeds Act (ESSA) and Adult Education and Family Literacy Act funds (AEFLA) federal education funds that were scheduled to be distributed on 7/1/25. See more here. LAWSUIT: On 7/14/25, a coalition of 25 states filed a lawsuit in a Rhode Island federal court challenging the withholding of \$3.6 billion of funds due to the plaintiff states and moved for a preliminary injunction. - On 7/18/25 the federal government released \$1.3 billion in frozen Title IV-B funds for before- and afterschool programming, after significant pushback from Republican and Democratic senators - On 7/25/25, USED announced it would no longer withhold about \$5.5 billion in FY25 federal education funding that was originally due to be dispersed on 7/1/25 for use in the 2025-26 school year. Messages notified grantees that new assurances regarding compliance with federal nondiscrimination laws are being added to their relevant Grant Award Notifications (GANs). The new language is similar to the “anti-DEI” certification that USED demanded SEAs and LEAs sign in April (currently blocked by multiple federal courts) but does not include assurances that grantees align with the Administration’s interpretation on these laws or emphasize potential liability for under the False Claims Act (FCA).	

- On 8/25/25, the parties in the lawsuit over the Trump Administration’s withholding of almost \$7B in ESSA and WIOA funds in July [agreed to dismiss](#) the case now that the funds were released. The dismissal is contingent on USED delivering the next tranche of funding owed to the states by 10/1/25.
- On 7/2/25, the Department of Labor [posted](#) for public comment a Notice of Proposed Rulemaking that would remove key provisions aimed at diversifying the field and enforcing apprentices’ civil rights under the Equal Employment Opportunity in Apprenticeships rule. Public comment closed on 9/2/25.
- On 8/22/25, USED [proposed](#) changing a data collection that has for years required states to **report data on any “significant disproportionality”** for any racial or ethnic group of students in school districts’ special education identification, placement, and discipline. Comments are due by 10/21/25.
- On 9/10/25, USED [announced](#) that it would end discretionary funding to **Minority-Serving Institutions (MSI) grant programs** that it alleges “discriminate by conferring government benefits exclusively to institutions that meet racial or ethnic quotas.” They include: Strengthening Alaska Native and Native Hawaiian-Serving Institutions (Title III Part A); Strengthening Predominantly Black Institutions (Title III Part A); Strengthening Asian American- and Native American Pacific Islander-Serving Institutions (Title III Part A); Strengthening Native American-Serving Nontribal Institutions (Title III Part A); Minority Science and Engineering Improvement (Title III Part E); Developing Hispanic-Serving Institutions (Title V Part A); and Promoting Postbaccalaureate Opportunities for Hispanic Americans (Title V Part B).
 - On 9/15/25, USED [announced](#) it has cut those grants (approximately \$350 million remaining in FY2025 funds) and \$145 million more to provide a one-time funding supplement of \$495 million to Historically Black Colleges and Universities (HBCUs) and Tribally Controlled Colleges and Universities (TCCUs). The additional funds were cut from [International and Foreign Language Education](#) programs (\$85 million) and the [Teacher Quality Partnership](#) grants program (\$59 million).
 - On 12/2/25, the DOJ Office of Legal Counsel (OLC) issued a formal [memorandum opinion](#) to USED concluding that a number of higher education grant programs authorized by Congress and currently implemented by USED are unconstitutional. The memo asserts that various MSI grant programs violate the equal protection component of the Fifth Amendment through race-based classifications that do not satisfy OLC’s application of the relevant “strict scrutiny” legal standard. (See our 1/8/26 [Alert](#) for additional discussion.)
 - On 12/19/25, USED [announced](#) Secretary McMahon’s concurrence with OLC and noted that USED is “currently evaluating the full impact of the OLC opinion on affected programs.” USED also stated that it “does not intend to claw back” funds that have previously been awarded through the affected programs.
 - **!! NEW:** On 5/21/26, USED and the U.S. Department of Labor (DOL) [announced](#) that \$350 million in grant funds for Minority Serving Institutions (MSIs) like Hispanic Serving Institutions (HSIs) and Asian American, Native American, and Pacific Islander Serving Institutions (AANAPISIs), among others, would be shifted to the Strengthening Institutions Program (SIP).

[“Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”](#) EO (1/20/25)

Summary	Analysis
<i>Establishes a federal policy that recognizes only two immutable biologically-determined sexes, and reverses the prior Administration’s position that Title IX protects against discrimination based on gender identity.</i> ● Asserts that “ideologues who deny the biological reality of sex have increasingly used legal and other socially coercive means to permit men to self-identify as women and gain access to intimate single-sex spaces.” ● Creates new definitions for the following terms: female, woman, girl, male, man, and boy, as well as gender ideology and gender identity. The binary definitions of “male”	● The terms of art associated with gender included in the EO may be considered by this Congress if the President presents it with the draft legislative text called for in the EO. Given the current make-up of Congress, it is possible legislation codifying the EO’s definitions may pass and begin to affect a number of federal education laws and regulations. ● The EO particularly reverses efforts undertaken during the prior Administration to advance the interests and opportunities of transgender students and youth.

and “female” focus on a person’s sex “at conception.” Instructs federal agencies to enforce laws, regulations, and guidance governing sex-based rights and protections in a way that is consistent with these new definitions. • Requires the White House Office of Legislative Affairs to present draft legislative text to the President within 30 days (i.e., 2/20/25) that he can propose to Congress codifying these definitions in federal law, and requires the Department of Health and Human Services to provide guidance expanding on the definitions. • Directs the Department of Justice to issue guidance that the Supreme Court’s holding in <i>Bostock v. Clayton County</i> – that Title VII prohibits discrimination based on gender identity in employment – does not apply to Title IX’s protections in education, and rescinds more than a dozen related guidance documents from the prior Administration.	• Several lower federal courts and the Biden Administration have held that other statutory prohibitions against sex-based discrimination (such as Title IX) included discrimination on the basis of sexual orientation and gender identity. Moving away from that interpretation has potentially far-reaching implications for policies designed to protect LGBTQI+ individuals. • It remains unclear what impact this EO will have for schools and districts that seek to provide students with access to facilities consistent with their gender identity. However, it removes the prior Administration’s recognition and enforcement of those rights, eliminates federal guidance that would support such actions, and previews potential enforcement against those actions where they are seen to interfere with others’ rights based on sex as defined in this EO.
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Notes

- This EO directly conflicts with President Biden’s Title IX rules, which were finalized in April of last year and sought to expand protections for transgender students, among other changes. Those regulations are also currently [enjoined](#) from taking effect, and they were [vacated](#) entirely by one district court.
 - On 1/31/25 (revised on 2/4/25), OCR circulated a [“Dear Colleague” letter](#) citing these court rulings (and this “Defending Women” EO) to announce OCR will implement the first Trump Administration’s Title IX regulations.
 - **!! NEW:** On 4/6/26, USED [announced](#) that OCR rescinded portions of six Title IX resolution agreements resolving complaints of sex-based harassment and required covered schools to, among other things, adopt nondiscrimination policies, implement training, and take other actions related to gender identity, including measures intended to ameliorate harm to impacted students. USED explained that the rescissions corrected past governmental overreach that “impermissibly expanded the scope of Title IX to enforce discrimination based on ‘gender identity,’ not biological sex.”
- On 1/28/25, President Trump issued a related EO, [“Protecting Children from Chemical and Surgical Mutilation”](#) seeking to end federal support for gender-affirming care for people 19 or younger.
 - **LAWSUIT:** Two lawsuits are challenging this medical care EO; [both courts](#) have issued temporary restraining orders.
 - On 3/4/25, the court in Maryland [issued \(opinion\)](#) a nationwide preliminary injunction blocking the EO. On 11/21/25, the court [paused](#) the litigation pending a decision in [Anderson v. Crouch](#) (challenging West Virginia’s blanket ban on gender affirming care before the 4th Circuit).
- On 2/14/25, USED [changed](#) the FAFSA form so that student applicants can only select “male” or “female” rather than selecting from a range of gender options as the prior version allowed.
- **LAWSUIT:** The lawsuit by nonprofits including the National Urban League discussed above also includes a challenge to this EO.
- On 6/2/25, USED [announced](#) it will recognize June as “Title IX Month” and announced two new Title IX investigations against schools and programs with trans-inclusive policies (University of Wyoming, related to a trans member of the Kappa Kappa Gamma sorority; Jefferson County Public Schools (KY) related to field trip policies).
- On 8/7/25, USED [released](#) for public comment proposed changes to the Civil Rights Data Collection (CRDC) to more closely align with this EO. The proposal would end the collection of data from elementary and secondary schools nationwide related to “gender identity” generally and nonbinary identities specifically, including with respect to reporting of incidents of bullying, harassment, and sexual assault. Public comment was due by 9/8/25.

- On 8/14/25, USED [announced](#) investigations into four Kansas school districts alleging violations of Title IX due to policies that require staff to use trans students' chosen names and pronouns and provide trans students with access to locker rooms and other facilities aligned with their gender identity. The Student Privacy Policy Office will also conduct parallel investigations of the districts under FERPA regarding policies that do not disclose students' gender plans to their parents.
 - **!! NEW:** On 4/17/26, USED [announced](#) that OCR's investigations concluded that the districts' policies around students' gender identity violate Title IX. Additionally, SPPO concluded that the districts violated FERPA by limiting parents' access to information about their students' transgender status.
 - **!! NEW:** On 5/4/26, Shawnee Mission School District publicly [rejected](#) USED's proposed resolution agreement noting that the district's policies are in line with a new state law requiring the use of bathrooms and locker rooms based on sex assigned at birth, they follow Kansas State High School Athletics Association policies and the Kansas Fairness in Women's Sports Act, and that USED cited no instance of a transgender girl participating in girls' sports in violation of those policies.
 - **!! NEW:** On 6/11/26, USED announced that OCR had issued Letters of Impending Enforcement Action to Olathe Public Schools, Shawnee Mission School District, and Topeka Public Schools and a Letter of Impasse to Kansas City, Kansas Public School District for failing to comply with Title IX.
- On 8/26/25, HHS's Administration for Children and Families [directed](#) current Personal Responsibility Education Program (PREP) grant recipients to remove all content related to gender identity from their curricula within 60 days or risk loss of federal funding. [Letters](#) to the 46 states and territories include examples of curriculum content previously approved under the Biden Administration that ACF now says exceeds the program's statutory mandate, such as providing students with definitions of "gender," "gender identity," and "gender expression"; modeling sharing one's own pronouns; and using gender neutral language "to provide a space where all students feel welcome and safe."
 - The notices follow a 8/21/25 [announcement](#) that ACF canceled California's PREP grant after the state "refused to remove radical gender ideology from the federally-funded education program."
 - **LAWSUIT:** On 9/29/25, sixteen states and DC [sued](#) HHS to prevent the termination of their respective PREP grants and sought a preliminary injunction to prevent the notices from going into effect. The states asserted that the imposition of new grant conditions violate the Separation of Powers doctrine; the Spending Clause, and the Administrative Procedure Act.
 - On 10/27/25, the court [granted](#) the PI and, on 12/26/25, HHS [appealed](#) the PI to the 9th Circuit Court of Appeals.
- On 10/1/25, HHS released a new [Grants Policy Statement](#) which adds new required civil rights assurances for grantees, including compliance with the above EO and explicitly ties any violation of the terms to potential liability under the False Claims Act. The new policy applies to all sub-agencies that administer HHS awards, including the Administration for Children & Families (ACF), which [recently made changes](#) to its own grant Terms and Conditions.
 - **LAWSUIT:** On 1/13/26, ten states filed a [lawsuit](#) in a Rhode Island federal court challenging the new policy on the basis that it violates the APA, the Spending Clause, and other constitutional provisions. On 3/12/26, the court [granted](#) a motion to stay the proceedings until a [related case](#) brought by grant recipients has been resolved and to prevent HHS from enforcing the Title IX certification against the ten states.
- **!! NEW:** On 5/4/26, USED OCR [announced](#) that it is opening a Title IX investigation into Smith College's admissions policies. Smith is a private women's college that has [admitted](#) both cisgender and transgender women to its undergraduate program since 2015. Private undergraduate institutions are not subject to Title IX's admission requirements.
- **!! NEW:** On 6/1/26, OCR [announced](#) that it would again celebrate June as "Title IX Month" and had launched an investigation into Cabarrus County Schools in North Carolina regarding the district's policies around access to restrooms and locker rooms aligned with students' gender identity.

“Restoring Freedom of Speech and Ending Federal Censorship” EO (1/20/2025)**Summary*****Prohibits federal employees – and agents of the government – from engaging in censorship of free speech.***

- Asserts that the Biden Administration “trampled free speech rights by censoring Americans’ speech on online platforms, often by exerting substantial coercive pressure on third parties, such as social media companies.”
- Prohibits each “federal agency, entity, officer, employee, or agent [to] act or use any Federal resources in a manner” that would “abridge the free speech of any American citizen” or use “taxpayer resources [for such abridgement].”
- States that it is the policy of the United States to “identify and take appropriate action to correct past misconduct by the Federal Government related to censorship of protected speech.”
- Charges the Attorney General to consult with other agencies to “investigate the activities of the Federal Government over the last four years that are inconsistent with the [EO’s] purposes and policies” and to report to the President “with recommendations for appropriate remedial actions.”

Analysis

- The inclusion of “agents” of the federal government in the list of entities included in the EO could include private contractors of the government, such as institutions of higher education and nonprofits *if* they are producing work contributing to federal policy or performing work that the government would otherwise perform. These concepts of agency are used in other contexts, for example to determine when the Freedom of Information Act applies to non-federal entities. However, the boundaries here are unclear and may develop as things unfold.
- The EO states that it must be carried out consistent with applicable law. In this instance, it would require a review of activities relating to potential violation of free speech, protected by the First Amendment.

Notes

- Complaints were raised during the Biden Administration that government officials worked to silence conservative viewpoints on social media on topics including the COVID-19 pandemic and election security. These complaints were advanced in cases brought by two states and five social media users. The Supreme Court [sided](#) with the Biden Administration in those cases.

Enforcement Actions Related to Allegations of Racial Discrimination

The following are enforcement actions by USED and other agencies regarding allegations of discrimination on the basis of race, ethnicity, or national origin. These include investigations and other actions brought under Title VI, Title VII, and the Administration’s EOs and agency guidance. Some enforcement actions appear elsewhere in this Executive Actions Chart because they are specifically tied to certain EOs such as the one on [combating anti-semitism](#).

NEW CASES & INVESTIGATIONS

- On 3/14/25, OCR [launched Title VI investigations](#) of **45 public and private universities** pursuant to OCR’s 2/14/25 Dear Colleague letter. Most of the allegations relate to engagement with the **PhD Project organization**; six are alleged to grant scholarships based on race; one is alleged to operate a segregated program.
 - On 1/24/26, the Minnesota Star Tribune [reported](#) that the University of Minnesota severed ties with the PhD Project this fall after an OCR investigation found that the university participated in a “blatantly discriminatory program designed to benefit certain favored students based on their race or national origin.”
 - On 2/19/26, USED [announced](#) that it secured resolution agreements with 31 IHEs to cease their partnerships with the PhD Project. According to USED, the settling

IHEs have terminated their relationship with the organization (or have agreed to do so) and will “review their partnerships with external organizations to identify any that violate Title VI by restricting participation based on race.” USED noted that it is engaging in “ongoing negotiations” with the remaining 14 IHEs.

- On 4/28/25, USED and HHS both [initiated](#) Title VI investigations into **Harvard University** and the **Harvard Law Review** alleging racial preferencing in the journal’s operations.
- On 4/29/25, USED [initiated](#) a Title VI investigation into **Chicago Public Schools (CPS)** regarding its [Black Student Success Plan](#). Note that with federal courts [halting](#) (for now) any enforcement of USED’s Dear Colleague Letter, FAQs, and “DEI” certification, this CPS investigation must be brought under the existing interpretation of 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 action may be 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.
- On 5/22/25 USED OCR [opened](#) a Title VI investigation of **Thomas Jefferson High School for Science and Technology’s admissions policy** (Fairfax County Public Schools, VA) following an investigation and referral by the state of Virginia. As background, in May 2023, the 4th Circuit Court of Appeals [reversed](#) a district court decision and found in favor of the school district. The Supreme Court [declined](#) to take up that case in February 2024.
- On 7/25/25, USED OCR [announced](#) investigations into five colleges and universities regarding **scholarships designated for DACA recipients or DACA-eligible undocumented students**. The complaint triggering the investigations alleges that these scholarships’ exclusion of US-born students is impermissible national origin discrimination.
- **LAWSUIT:** On 9/16/25, DOJ [announced](#) a lawsuit against the **Rhode Island Department of Education** and **Providence Public School District**, alleging that a loan forgiveness program available to K-12 educators of color discriminates on the basis of race due to white teachers’ ineligibility.
- On 9/16/25, according to [reporting](#), OCR notified **Chicago Public Schools, New York City Public Schools, and Fairfax County Public Schools** that the districts stand to lose access to \$65 million in [Magnet School Assistance Program \(MSAP\) grants](#) due to “civil rights compliance issues.” LEAs under desegregation plans are eligible to apply for MSAP grants (outlined in ESSA Title IV, Part D) to assist in the “the elimination, reduction, or prevention of minority group isolation in schools with substantial proportions of minority students,” among other purposes.
 - **LAWSUIT:** On 10/15/25, New York City Public Schools (NYCPS) [filed suit](#) against USED, challenging the termination of \$47 million in MSAP grant funds. On 11/20/25, the parties reached an [agreement](#) to allow NYCPS to draw down remaining funds through 6/30/26 while the litigation proceeds.
 - **!! NEW:** On 4/8/26, a federal court [held](#) that USED failed to follow statutory procedures when it notified the New York City Public Schools (NYCPS) that it would not renew the district’s MSAP. The court ordered USED to rescind the letter and reassess NYCPS’s eligibility within 10 days.
- On 10/22/25, the **University of Virginia (UVA)** became the first *public* university to sign an [agreement](#) with the Trump Administration regarding five federal Title VI civil rights investigations. The agreement pauses the investigations and allows the university to continue receiving federal funding on equal terms as other universities. Although it is not mentioned in the agreement, four months before UVA entered into this agreement, UVA President James Ryan [announced](#) that he would step down in response to DOJ’s demands for policy and personnel changes at UVA, including Mr. Ryan’s resignation.
- **LAWSUIT:** On 12/10/25, DOJ [announced](#) it has filed a [lawsuit](#) against Minneapolis Public Schools claiming that several provisions in the school district’s collective bargaining agreement with its teachers’ union violate Title VII.
- On 1/28/26, DOJ [motioned](#) to intervene in a case brought by the private Students for Fair Admissions and other groups against **UCLA’s Medical School**, alleging the ongoing impermissible uses of race in its admissions program and policies.
- On 2/13/26, USED OCR [announced](#) that it will investigate the **Louisiana Board of Regents** to determine whether its Master Plan for Higher Education violated Title VI by “authorizing racially-exclusionary practices and initiatives” to address graduation and matriculation gaps among some but not all racial or ethnic student groups.

- On 2/17/26, OCR [announced](#) that it will investigate **Portland Public Schools** (OR) to determine whether services and supports provided through the Center for Black Student Excellence violate Title VI by excluding non-Black students and families from its programs.
- On 2/18/26, DOJ filed a [motion to intervene](#) in a case brought by the private 1776 Foundation against the **Los Angeles Unified School District** (LAUSD), alleging violations of the 14th Amendment, Title VI of the Civil Rights Act, and the state constitution. In its motion, DOJ agreed with the 1776 Project and asserted that this is a case of “general public importance.”
- On 3/24/26, OCR [announced](#) a new investigation into **Harvard** regarding the university’s compliance with the *SFFA v. Harvard* decision. In the same release, OCR announced that it issued a letter of impending enforcement action against Harvard for failing to comply with an investigation of the same topic regarding undergraduate admissions (with 20 days to comply). The announcement notes that the compliance review began in May 2025.

SCHOOL MASCOTS

- On 4/25/25, the USED’s OCR announced an [investigation](#) into the **New York Department of Education** and New York Board of Regents regarding the Massapequa School District’s approach to a high school mascot. The Native American Guardians Association filed the complaint, alleging that the state violated Title VI by requiring the district to eliminate use of a “Chiefs” mascot based on its association with Native American culture. This [social media post](#) by President Trump appears to have initiated OCR’s action. On 5/30, OCR [announced](#) that it found a Title VI violation and proposed a resolution agreement including a changed policy, guidance to districts, and “issuing letters of apology to Indigenous tribes.” On 6/17/25, USED [announced](#) that it is referring the investigation to DOJ for further action.
- On 7/8/25, USED OCR announced an [investigation](#) into the **Connetquot Central School District** (NY) regarding the district’s move to replace a school mascot. As in the Massapequa case, the Native American Guardians Association filed the complaint alleging that the district violated Title VI by complying with a NYS requirement that districts eliminate use of imagery associated with Native American culture. On 1/22/26, USED OCR [announced](#) that it has concluded the district violated Title VI when it changed its school mascot from “Thunderbirds” to “T-Birds” because of the former’s association with Native American symbolism.

MEDICAL SCHOOL ADMISSIONS

- On 3/27/25, DOJ [initiated](#) a compliance review investigation into whether admissions policies comply with *SFFA* at four California universities—Stanford, Berkeley, UCLA, and UC-Irvine—or if they are “using DEI discrimination” while assessing applications. On the same day, HHS’s OCR [announced](#) a similar investigation into an unnamed medical school in California.
 - **!! NEW:** On 5/6/26, DOJ [announced](#) that it [concluded](#) that the David Geffen School of Medicine at the University of California at Los Angeles violated Title VI by continuing to consider race in its admissions process after the U.S. Supreme Court issued its decision in *SFFA v. Harvard* in ways that do not comply with that ruling. (See our [5/14/26 Alert](#) for further discussion).
- **!! NEW:** On 5/14/26, DOJ [completed](#) an investigation into the policies and practices of Yale School of Medicine (Yale Med) during the 2023, 2024, and 2025 school years, [concluding](#) that Yale Med failed to comply with Title VI following the U.S. Supreme Court’s decision in *SFFA*. (See our [5/29/26 Alert](#) for further discussion).
- **!! NEW:** On 6/4/26, DOJ [announced](#) that it has launched investigations into the potential unlawful use of race in 15 medical schools’ admissions policies and practices. However, DOJ did not name the medical schools being investigated nor share many details of the investigations.
- **!! NEW:** On 6/10/26, DOJ announced similar findings regarding admissions practices at the [University of California, Davis School of Medicine](#).

WITHDRAWAL FROM EXISTING CASES & INVESTIGATIONS

- On 4/1/25, USED OCR [withdrew](#) from a voluntary resolution agreement with **Rapid City Area Schools (SD)** regarding [racial discrimination](#) against Native American students on the basis that the May 2024 [agreement](#) violated the 1/21/25 EO prohibiting DEI.
- On 4/29/25, DOJ [dismissed](#) a desegregation consent decree that has been in place with the **Plaquemines Parish School Board (LA)** since 1975. Louisiana state leaders indicated an interest in working with DOJ to dismiss all remaining desegregation cases in the state.
- On 12/9/25, DOJ [dismissed](#) a consent decree against Texas concerning residents' rights living in 13 state-operated facilities for people with intellectual or developmental disabilities. The 2009 agreement stemmed from an initial investigation into Lubbock State School in 2005, with Texas remaining under review to ensure residents receive access to care, education, and services in an integrated setting.

TOPIC 2: FUNDS & FUNCTIONS OF THE U.S. DEPARTMENTS OF EDUCATION & HEALTH AND HUMAN SERVICES

"Compact for Academic Excellence in Higher Education"

The White House has sought to advance a number of the Administration's priorities through a [Compact for Academic Excellence in Higher Education](#). The commitments proposed in the Compact reflect multiple EOs that appear elsewhere in this Executive Actions Chart, such as ["Keeping Men Out of Women's Sports"](#) and ["Ending Illegal Discrimination and Restoring Merit-Based Opportunity"](#).

- On 10/1/25, USED sent nine institutions of higher education (IHEs) a [letter](#) seeking feedback on the Compact. In exchange for committing to its terms, the Compact offers participating IHEs "multiple positive benefits," including "allowance for increased overhead payments where feasible, substantial and meaningful federal grants, and other federal partnerships."
 - The "largely" final draft Compact includes but not limited to:
 - Committing to "transforming or abolishing institutional units that purposefully punish, belittle, and even spark violence against conservative ideas" and recognizing that "academic freedom is not absolute."
 - Committing to using "lawful force if necessary" to prevent "institutional punishment or individual harassment."
 - Requiring university employees, in their capacity as university representatives, to abstain from "actions or speech relating to societal and political events except in cases in which external events have a direct impact upon the university."
 - Committing to "freezing the effective tuition rates charged to American students for the next five years," and for institutions with large endowments, "not charg[ing] tuition for admitted students pursuing hard science programs."
 - Limiting participants in the Student Visa Exchange Program to "no more than 15 percent of a university's undergraduate student population," capping international enrollment from any one country at 5%, and requiring universities to share "all known information about foreign students, including discipline records" with the Department of Homeland Security and the Department of State.
 - Banning the use of "sex, ethnicity, race, nationality, political views, sexual orientation, gender identity, religious associations, or proxies for any of those factors" in admissions and financial aid decisions.

- DOJ will monitor IHEs' adherence to the Compact, and any IHEs violating its terms will be required to return "all monies advanced by the U.S. government during the year of any violation." Additionally, the introductory paragraph concludes with the following warning: "Institutions of higher education are free to develop models and values other than those below, if the institution elects to forego [sic] federal benefits."
- IHEs [reportedly](#) included in the initial outreach are: Brown University, Dartmouth College, the Massachusetts Institute of Technology (MIT), the University of Arizona, the University of Pennsylvania (Penn), the University of Southern California, University of Texas (UT) at Austin, the University of Virginia (UVA), and Vanderbilt University.
- On 10/10/25, MIT became the first IHE to publicly respond to the invitation by publishing its [response](#) to USED in which it declined to participate in the Compact. Six additional universities announced they declined to sign: [University of Arizona](#), [Brown University](#), [Dartmouth College](#), the [University of Pennsylvania](#), the [University of Southern California](#), and the [University of Virginia](#). [Vanderbilt University](#) announced it was providing feedback on the draft Compact, as the Administration's initial [letter](#) requested. The University of Texas at Austin has not responded publicly.
- On 10/15/25, the Administration [reportedly](#) extended the invitation to participate in the Compact to all IHEs.
- On 10/17/25, [reporting](#) indicated the Administration expanded its initial outreach to also include Arizona State University, Washington University in St. Louis, and the University of Kansas; of those, [Washington University](#) announced it would not agree to the Compact.
- On 10/27/25, [New College of Florida](#) became the first institution of higher education (IHE) to announce it *would* sign, although it was not reported to be part of the Administration's initial or additional outreach.

["Restoring Gold Standard Science" EO \(5/23/25\)](#)

Summary	Analysis
<i>Establishes new standards for government research and management of scientific information to address alleged politicization concerns.</i> ● Sets out requirements for federal activities related to all types and forms of scientific information, including federally-funded research, including charging the Office of Science and Technology Policy (OSTP) with developing new guidance within 30 days (i.e., 6/22/25) that all federal agencies will then incorporate into their policies and processes within the following 60 days (i.e., 8/21/25). ● Directs agencies to use guidance from President Trump's first term—and reevaluate or rescind Biden-era policies—while the OSTP guidance is developed and implemented. ● Defines "Gold Standard Science" as "science conducted in a manner that is: (i) reproducible; (ii) transparent; (iii) communicative of error and uncertainty; (iv) collaborative and interdisciplinary; (v) skeptical of its findings and assumptions; (vi) structured for falsifiability of hypotheses; (vii) subject to unbiased peer review; (viii) accepting of negative results as positive outcomes; and (ix) without conflicts of interest." ● Requires each agency to establish "internal processes to evaluate alleged violations" and assign responsibility for enforcement to a senior <i>political</i> appointee in each agency.	● The EO's preamble section focuses in part on concerns regarding the CDC's pandemic-era guidance on in-person schooling as evidence of the alleged politicization of science. ● With regard to the EO's enforcement mechanism, because there appears to be no requirement for consulting with experts in the field, some have raised concerns that the EO creates new opportunities for political appointees to revise, characterize, or question scientific findings that may not align with the Administration's political agenda.

Notes

- On 6/23/25, the White House Office of Science and Technology Policy issued [further guidance](#) to federal agencies to facilitate implementation of the EO as well as requirements for future reporting, including agency-specific implementation plans by 8/22/25.
- **!! NEW:** On 4/24/26, the White House terminated all 22 members of the National Science Board (NSB), the independent board that oversees the National Science Foundation (NSF). (See our 4/30/26 [Alert](#) for additional information.)
- **!! NEW:** On 5/28/26, [reporting](#) indicated that NSF had blocked awards to Duke University, Harvard University, Princeton University, and Yale University since April 9, 2026. On 6/4/26, Democratic members of the House Committee on Science, Space, and Technology sent an [oversight letter](#) to NSF requesting additional information and stating that “our staff-level request for more information on the blacklist has gone unanswered.”

[“Reforming Accreditation to Strengthen Higher Education”](#) EO (4/23/25)

Summary

Calls for several significant changes to the higher education accreditation system, which ensures colleges and universities meet quality standards to qualify for federal aid.

- Criticizes existing accreditors for “routinely approv[ing] institutions that are low-quality by the most important measures” and incorporating “DEI”-based standards, which the Administration characterizes as supporting “unlawfully discriminatory practices.”
- Directs USED to take several actions, including:
 - “hold accountable, including through denial, monitoring, suspension, or termination of accreditation recognition, accreditors who fail to meet the applicable recognition criteria or otherwise violate Federal law, including by requiring institutions seeking accreditation to engage in unlawful discrimination” (i.e., through “unlawful” DEI activities), specifically calling for investigations of the American Bar Association and Liaison Committee on Medical Education
 - “take appropriate steps” to ensure that institutions “provide high-quality, high-value academic programs free from unlawful discrimination,” reduce barriers to innovative education models, prioritize intellectual diversity, and prohibit degree inflation;
 - resume recognizing new accreditors and launch an experimental site (essentially a pilot program) to ease approvals of new and innovative higher education programs.

Analysis

- The EO follows through on a longstanding Trump Administration priority to use accreditation to further pressure higher education, including with regard to DEI.
- The order does not direct the Secretary to promulgate new accreditation regulations (though this may be necessary to effectuate the changes suggested here); changes to the accreditation regulations made during the previous Trump Administration have already made it easier for the Department to recognize new accreditors.
- The EO also reflects the significant likelihood that the Administration will move as quickly as possible to recognize new accreditors, which would potentially allow significant numbers of new institutions and other higher education providers to become eligible to disburse Title IV aid.
- USED is likely to use its recognition authority to push accreditors to voluntarily change standards, but the HEA limits the agency’s authority to unilaterally impose broad requirements on accreditors.
- Although USED may have the authority to compel accreditors to use student outcomes data to judge the quality of institutions they oversee, § 496(g) of the HEA prohibits USED from mandating specific metrics or thresholds that accreditors must use in their approval processes and decisions. It remains unclear how USED will attempt to enforce the EO’s prohibition against outcomes data that reflects “race, ethnicity, or sex” given the HEA’s limits on Departmental authority to impose conditions on accreditors’ oversight.
 - This prohibition on considering disaggregated data may be connected to the disparate impact EO issued on the same day and part of a larger policy

- mandate that accreditors require their member institutions use program-level student outcomes data to drive improvement, but *without respect to race, ethnicity, or sex*.
- streamline the Department’s accreditor approval process.

agenda to reduce or even eliminate the use of disaggregated data in many aspects of public education.

Notes

- The [final regulations](#) promulgated during the first Trump Administration provided for significantly expanded avenues for prospective accreditors to become recognized by the Secretary of Education.
- On 11/25/25, USED [announced](#) the appointment of five new members to the National Advisory Committee on Institutional Quality and Integrity (NACIQI), each of whom has been appointed to a six-year term. Under Secretary Kent stated that he is confident “these appointees will help realign the accreditation system”—calling the current system “protectionist” and one that “overlook[s] poor student outcomes, contribute[s] to rising college costs and degree inflation, and prioritize[s] divisive DEI standards over the skills students need to compete in the next-generation workforce.”
- On 12/11/25, USED issued a [request for information \(RFI\)](#) indicating its intent to considerably revise the current [Accreditation Handbook](#). The RFI asks a number of specific questions about, among other things, policies that would encourage innovation, methods to better assist accreditation agencies in their evaluations, and updating accreditation standards to “incentivize intellectual diversity on campus.” Comments are due on 1/25/26.
- On 1/26/26, USED [announced](#) that it is launching a negotiated rulemaking process to develop new regulations for the higher education accreditation system beginning with the establishment of the “Accreditation, Innovation, and Modernization (AIM)” committee. (See our 2/4/26 [Alert](#) for more information.)
 - **!! NEW:** On 4/6/2026, USED released proposed regulations that would simultaneously loosen accreditation’s key gatekeeping function of granting institutions access to Pell grants and student loans, while also placing those gatekeepers under an unprecedented level of federal control. (See [Overview of the Trump Administration’s Draft Accreditation Rules: Loosening Federal Approval while Tightening Federal Control of Accreditors](#) for a full analysis and [DEEP DIVE: Taking AIM at Accreditation: The Administration’s Overreach on Diversity, Equity, and Inclusion](#).)
 - **!! NEW:** On 4/13/26, USED convened the first of two weeklong sessions of the AIM negotiated rulemaking committee. The committee reconvened 5/18-22/26 to ultimately vote on the proposed regulations at the close of the second session.
 - **!! NEW:** On 5/21/26, the AIM Committee [reached consensus](#) (with two abstentions) on USED’s proposal to overhaul regulations governing higher education accreditors. USED will publish the consensus regulatory language in a Notice of Proposed Rulemaking; if USED publishes the final regulations before 11/1/26, they will take effect on 7/1/27. (See our [5/29/26 Alert](#) for further analysis.)
- **!! NEW:** On 5/18/26, USED [issued](#) the final rule for the new Workforce Pell Grant program, which allows federal Pell Grants to support short-term, job-focused training programs in high-demand fields. The final rule allows institutions to begin implementation as early as 7/1/26. (See our [5/29/26 Alert](#) for further analysis.)

[“White House Initiative to Promote Excellence and Innovation at Historically Black Colleges and Universities” EO \(4/23/25\)](#)**Summary****Reestablishes a White House Initiative on HBCUs in the President’s Executive Office.**

- Creates an “White House Initiative on HBCUs” focused on promoting public/private partnerships to support HBCUs and enhancing their capacity.
- Includes as key strategies: fostering collaboration among federal agencies, partnering with the private sector and private philanthropy to improve HBCU capacity and funding, building pipelines with K-12 schools, and hosting an annual HBCU summit.
- Encourages state governments to provide the required matching funds for 1890 Land-Grant Institutions.
- Calls for collaboration with USDA and state governments to “establish a framework for addressing barriers to accessing Federal funding to ensure that HBCUs receive the maximum funding to which they may be entitled.”

Analysis

- This EO affirms Trump Administration and bipartisan support for HBCUs, and largely continues the trend of advancing support for HBCUs through a White House Initiative that has been in place in some form since the Carter administration.
- This Initiative differs from past ones by locating it within the White House administrative structure (rather than at the Department of Education), explicitly calling on states to provide the required matching funds for 1890 land grant HBCUs, and referencing efforts to ensure these institutions receive “the maximum funding to which they may be entitled.”
- As with previous EOs on HBCUs, there is no mandated mechanism to ensure additional funding, but a focus instead on fulfilling the requirements of federal legislation, including the HBCU PARTNERS Act signed into law in 2020.

Notes

- Although it is unclear whether more EOs are forthcoming, the Trump administration in January [rescinded](#) all of the other existing minority-serving institution (MSI) and racial equity initiatives, making this HBCU Initiative the sole remaining education White House Initiative of this kind at the current time.
- On 9/15/25, USED [announced](#) that it cut a number of grants related to MSI programs and \$145 million more to provide a one-time funding supplement of \$495 million to HBCUs and Tribally Controlled Colleges and Universities (TCCUs). (See “[Ending Radical and Wasteful Government DEI Programs and Preferencing](#)” for additional information on programs that were discontinued.)

[FSA Restarting Student Loan Collections](#) and Broader Changes to Student Loan Administration (4/21/25)**Summary*****Resumes collections of defaulted student loans***

- Provides notice that on 5/5/25, the Office of Federal Student Aid (FSA) will resume collections of its defaulted federal student loan portfolio on May 5, including where appropriate wage garnishment.
- Restarts the [Treasury Offset Program](#), administered by the Treasury Department, to withhold federal payments to help pay for defaulted amounts.

Analysis

- This is the first time since the beginning of the COVID-19 pandemic that student loan borrowers will incur significant penalties for failure to repay. There can be significant disruption and negative impacts on borrowers, including negative credit reporting and loss of tax refunds, social security benefits, and wages.
- All of these consequences existed prior to the pandemic, but new borrowers have never experienced them. Similarly, the servicers and collection entities have not collected on defaulted debts in half a decade. There may be delays in fully bringing these systems back on, particularly with outdated student contact and employer information.

- Encourages borrowers in default to contact the [Default Resolution Group](#) to make a monthly payment, enroll in an income-driven repayment plan, or sign up for loan rehabilitation.

Notes

- The New York Federal Reserve [published an analysis](#) last month about the potential decline in credit scores for delinquent and defaulted student loan borrowers.
- On 5/5/25, USED issued a [Dear Colleague Letter](#) urging colleges and universities to improve their loan repayment rates by increasing transparency and supports for current students and those in default. The letter both alerts institutions with high cohort default rates that they risk future eligibility for federal student aid and states that, in the coming months, USED will publish loan nonrepayments rates on the Federal Student Aid Data Center.
- On 1/7/26, reporting indicated that USED is [expected](#) to notify approximately 1,000 borrowers that their wages will be garnished due to defaulted student loans, with additional notices expected to roll out each month to potentially much larger numbers of borrowers.
 - On 1/16/26, USED reversed itself, [announcing](#) a pause on these collections, to “enable the Department to implement major student loan repayment reforms under the Working Families Tax Cuts Act (the Act) to give borrowers more options to repay their loans.
- On 1/29/26, USED [issued](#) a Notice of Proposed Rulemaking (NPRM) focused on the implementation of the federal student loan-related provisions of the One Big Beautiful Bill Act (OBBBA). The [proposed regulations](#) reflect the points of [consensus](#) reached in November by the Reimagining and Improving Student Education (RISE) negotiated rulemaking committee. Comments on the NPRM are due by 3/2/26. (See our 2/4/26 [Alert](#) for more information.)
 - **!! NEW:** On 4/29/26, USED [published](#) its final RISE regulations, effective on 7/1/26. The final regulations define a “professional” program eligible under OBBBA for higher graduate loan limits compared to all other graduate school programs, formalized a process for designating certain other graduate programs as a professional program eligible for higher loan limits, and made other significant updates. (See our [5/14/26 Alert](#) for a full analysis).
 - **!! NEW:** On 5/19/26, 24 states and the District of Columbia filed a [lawsuit](#) against USED, challenging a the new rule limiting access to federal student loans for graduate students in a number of healthcare related fields.

[Department of Health & Human Services Reduction in Force \(3/27/25\)](#)

Summary

Reduces HHS’s workforce by about 25%

- Announces a massive layoff that, added to prior terminations, will reduce HHS’s staff by about ¼.
- Places RIF’d employees on administrative leave starting on 5/28/25.
- Includes plans for an agency “restructuring” that includes, among other things:
 - cuts regional offices in half from ten to five.
 - folds into ACF some of the functions that currently exist at the Administration for Community Living (ACL)
 - consolidates the Substance Abuse and Mental Health Services Administration (SAMHSA), which holds the infant and early childhood mental health grants, into a larger structure called the

Analysis

- Note that ACL was presumed to be a potential landing spot for the Administration’s stated desire to transfer USED’s special education programs to HHS. Given this reorganization, it is possible ACF would take over those programs should the Administration or Congress follow through with eliminating USED.
- Some massive RIFs at other agencies have been quickly challenged in court, such as the 50% reduction at USED; however, the Administration has not indicated a desire to completely eliminate HHS, so any challenges to the HHS RIF

Administration for a Healthy America (AHA), which will also absorb the Health Resources and Services Administration, which administers the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) program Cuts significant regional Head Start staff including RIFs on 4/1/25 for all staff in the Office of Head Start (OHS) and the Office of Child Care (OCC) in Regions 1 (Boston), 2 (New York), 5 (Chicago), 9 (San Francisco), and 10 (Seattle).	might differ in significant ways from the lawsuits about USED, USAID, or CFPB. Without regional staff, Head Start agencies will struggle to function. Health and safety complaints may go unresolved. Requests for repairs and maintenance may be unapproved. Contract renewals may go unaddressed.
Notes - On the same day HHS initiated its RIF, the Senate HELP Committee issued a bipartisan request for Sec. Kennedy to appear before the HELP Committee. He declined to appear publicly. LAWSUIT: On 4/28/25, several Head Start associations and parent groups filed a federal lawsuit in the state of Washington regarding HHS's actions regarding Head Start. (For more details, please find a litigation summary here.) - On 9/11/25, the court issued a preliminary injunction that halts any enforcement of HHS's reinterpretation of Head Start eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The judge granted a nationwide injunction staying enforcement of the HHS reinterpretation solely as to Head Start programs. On 11/6/25, the government appealed the preliminary injunction to the 9th Circuit. (See our Deep Dive, "Who Benefits?" for more information on this specific issue.) - On 12/5/25, the plaintiffs supplemented the record to include evidence of Head Start programs being harmed by HHS's implementation of its guidance on Diversity, Equity, and Inclusion (DEI) released in March 2025. (Note that this action by the Administration implements EO "Ending Radical and Wasteful Government DEI Programs and Preferencing" discussed above). - On 1/6/26, the court issued a second preliminary injunction blocking the DEI guidance along with the Head Start RIFs, which are already blocked by other litigation. - On 12/30/25, the Trump Administration announced it would freeze all federal child care funding to Minnesota. The Administration's announcement referenced concerns about fraud in Child Care Development Fund (CCDF) payments to child care providers. - On 1/5/26, the Administration further indicated it will freeze federal child care funding as well as other social services such as TANF, in Minnesota as well as California, Colorado, Illinois, and New York. Public reporting suggests that the Trump administration plans to implement new administrative requirements for <i>all</i> states to access their allocated funds. (See our 1/8/26 Alert for additional discussion.) LAWSUIT: On 1/8/26, five states (CA, CO, IL, MN, and NY) filed suit in federal district court challenging the freeze as a violation of the Administrative Procedures Act (APA), the Spending Clause, and other constitutional provisions. - On 1/19/26, the judge granted a temporary restraining order (TRO) that requires HHS to make CCDF, Temporary Assistance to Needy Families (TANF), and Social Services Block Grants (SSBG) payments to the plaintiff states without adding any new requirements to justify their funding drawdowns. On 1/23/26, the judge extended the TRO through 2/6/26 to consider a preliminary injunction motion. - On 2/6/26, the court granted a preliminary injunction and, on 3/10/26, released its accompanying opinion.	

FUTURE OF USED—“[Improving Education Outcomes by Empowering Parents, States, and Communities](#)” EO (3/20/25)

Summary	Analysis
<i>Initiates steps to close the U.S. Department of Education</i> - Directs the Secretary of Education to, “to the maximum extent appropriate and permitted by law, take all necessary steps to facilitate the closure of the Department of Education.” - States that those steps should not interfere with “the effective and uninterrupted delivery of services, programs, and benefits.” - Charges the Secretary with ensuring that recipients of federal education funds are in “rigorous compliance with Federal law and Administration policy” regarding “illegal discrimination obscured under the label ‘diversity, equity, and inclusion’ or similar terms and programs promoting gender ideology.”	- The brief order does not name the specific actions the Secretary should take to close the Department. - Because USED was established by Congress, and in several other laws, Congress has charged it with additional specific responsibilities, only Congress can officially close USED. It is unlikely there are 60 votes in the Senate to do so. There is some possibility Republicans will attempt to close USED via the budget reconciliation process, which is not subject to the 60 vote threshold, but there are procedural obstacles to that path (notably, the “Byrd Rule”). - Other specific steps the Secretary might take might include additional RIFs, eliminating more offices not established by statute, additional terminations of grants and contracts, and trying to move USED functions and funding to other federal agencies. - Despite the EO’s assurance about uninterrupted services, it is unclear if USED can deliver on this pledge with greatly reduced staffing levels and additional disruptions that further hollowing out steps might cause. - The second part of the EO directing the Secretary to ensure that recipients of federal funds halt “illegal discrimination” does not appear to introduce any new directives beyond what has already been included in prior EOs and OCR guidance.

Notes

- Immediately following the EO signing ceremony, Senator Bill Cassidy (R-LA), the Chairman of the Senate Health, Education, Labor, & Pensions (HELP) Committee, [pledged](#) to introduce a bill to eliminate USED “as soon as possible.” His bill would follow a [similar bill](#) introduced at the end of January in the House of Representatives by Congressman Thomas Massie (R-KY) along with multiple other bills introduced in the [House](#) and [Senate](#) since the EO was issued.
- On 3/21/25, Secretary McMahon published a [column](#) with information on her “vision” for implementing the EO.
- LAWSUITS:** Three lawsuits were filed in March 2025 in response to this EO and/or the USED reduction-in-force described in the next table: On 3/13/25, in a Massachusetts federal court, 21 state AGs [sued](#); on 3/24/25, AFT and a coalition of unions and school districts [filed](#) a lawsuit in the same Massachusetts court; and on the same day, a similar suit was [filed](#) in Maryland by NAACP, NEA, and others. (For more updates on these cases, see the table below regarding the reduction-in-force that is also being challenged by the plaintiffs in these cases.)
- On 3/26/26, USED [announced](#) that it will move from its long-time Washington, DC headquarters at the Lyndon B. Johnson Building to a nearby privately-owned building that previously housed USAID. Secretary McMahon described the move as “reducing the federal education footprint.” In an accompanying [fact sheet](#), USED stated that no disruptions in its services and functions are expected as a result of the transition.

Interagency Agreements (IAAs)

- On 7/15/25, USED [announced](#) an interagency agreement (IAA) between USED’s Office of Career, Technical, and Adult Education (OCTAE) and the Department of Labor’s Employment and Training Administration (ETA). ETA would administer **Perkins grants and WIOA Title II programs** and seek reimbursement from OCTAE. Meanwhile

OCTAE would continue to carry out some of the administrative functions and activities otherwise required under statute. The transfer is described in part as an effort to implement this EO ([EO 14242](#)) directing the Secretary of Education to take all necessary steps to facilitate the closure of the Department.

- On 12/5/25, USED [provided](#) an update about its implementation of the IAA, focusing on the status of opening the DOL's state plan portal for USED's adult education grants funded by Title II of the Workforce Innovation and Opportunity Act (WIOA).
- On 11/18/25, USED [announced](#) **six more IAAs** that, together with the first one described above, move significant responsibility out of USED for over 80 federal grant programs that account for nearly \$34 billion in federal education funding (~43% of USED's annually appropriated funds). The IAAs include almost all elementary and secondary education programs (e.g., Title I) and a long list of higher education grant programs. Most will move to DOL's ETA. For more detail on the IAAs and an analysis of the significant legal issues with these transfers, see [this Deep Dive](#).
- On 1/15/26, USED provided an [update](#) on its agreement DOL to shift significant responsibility for the Office of Postsecondary Education's (OPE) grant programs to DOL. During the week of 1/20/26, USED began detailing staff from OPE's Higher Education Programs (HEP) Division to DOL. USED also signaled that the subsequent step will be for "HEP grantees [to] transition to DOL's Grant Solutions and Payment Management System."
- On 2/10/26, USED, Interior, and Labor held a [Tribal Consultation](#) on the [interagency agreements](#).
- On 3/17/26, USED and DOL jointly [announced](#) a new grant competition for the [Talent Search Program](#), the first competition administered under the IAAs.
- **!! NEW:** On 4/8/26, USED and DOL jointly announced two new K-12 grant competitions for the [Teacher and School Leader Incentive](#) (TSL) and the [Innovative Approaches to Literacy](#) (IAL) programs, the first K-12 competitions to be administered under the IAAs. (See [Unpacking the Secretary of Education's Supplemental Priorities for Competitive Grants](#) for more information.)
- **!! NEW:** On 4/17/26 USED sent a [letter](#) to state superintendents of education announcing that FY26 formula funds under the Every Student Succeeds Act (ESSA) (e.g., Title I, Title II, Title IV-A, and other K-12 formula grant programs) will continue to be disbursed via USED's grant platform instead of through DOL based on "concerns regarding the July 1 formula grant timeline" raised by state leaders. The letter does not address plans for other disbursements of ESSA funds, including a second tranche of these same formula funds on 10/1/26.
- On 2/23/26, USED [announced](#) that it has entered into two new agreements: (1) transferring a number of [family engagement and school support](#) grant programs from USED to HHS, including School Emergency Response to Violence (Project SERV), School Safety National Activities, Ready to Learn Programming, Full-Service Community Schools, Promise Neighborhoods, and Statewide Family Engagement Centers; and (2) Department of State will support USED in managing its new [foreign funding reporting portal](#) to ensure that institutions of higher education [disclose foreign gifts and contracts](#) pursuant to Sec. 117 of the Higher Education Act.
 - **!! NEW:** On 4/22/26, HHS [launched](#) the first grant competition it is administering pursuant to the USED-HHS IAA under the Child Care Access Means Parents in School (CCAMPIS) grant program.
- On 3/19/26, USED [announced](#) a tenth [interagency agreement](#) (IAA) designed to transfer significant functions and funds of the [Federal Student Aid](#) (FSA) office to the U.S. Department of the Treasury (Treasury). The accompanying [fact sheet](#) notes that USED will "maintain all statutory responsibilities including policy development." (See our 4/1/26 [Alert](#) for more information.)

ESSA Waivers

- On 7/29/25, USED issued a [Dear Colleague Letter](#) (DCL) to chief state school officers highlighting existing flexibility within the Every Student Succeeds Act (ESSA) and inviting SEAs, LEAs, schools, and tribal leaders "to seek creative and effective [ESSA] waivers for improving student academic achievement and maximizing the impact of Federal funds."

- On 9/17/25, USED sent a [Dear Colleague Letter](#) to chief state schools officers describing the [Educational Flexibility](#) program. Ed-Flex allows the Secretary to delegate to SEAs the authority to grant district- or school-level waivers of certain statutory or regulatory requirements “in exchange for enhanced accountability of the performance of students.” The DCL includes information on how SEAs can apply to become an Ed-Flex state and notes the eleven states that currently have Ed-Flex authority.
- On 8/19/25, the **Iowa Department of Education** [published a draft](#) of its request to waive a number of ESSA requirements. (See our 9/4/25 [Alert](#) for more information). In September, Iowa submitted a [revised](#) waiver request to USED that scaled back its ask, especially regarding any attempt for approval of a local block grant.
 - On 1/7/26, USED [announced](#) that Secretary McMahon [approved](#) Iowa’s [waiver request](#). USED approved the waiver of four ESSA provisions and also granted Iowa’s parallel request under Ed-Flex for the SEA to be able to approve certain types of Ed-Flex requests by districts without seeking USED’s approval. The most significant of the four waivers allows Iowa to consolidate some of its state-level *activities* funds (as it already does with its state-level *administrative* funds).
- On 10/17/25, the **Indiana Department of Education** [submitted](#) to USED a request to waive a number of ESSA requirements in the Every Student Succeeds Act (ESSA). The waiver seeks to establish a “block grant” approach for state and district funding, which would maintain the existing distribution of funds to districts as required by law but would allow the state set-aside funds and the district funds to be combined at those respective levels for broader uses. Indiana is also seeking approval to award some school improvement funds to districts that do not have schools identified for improvement. USED has 120 days to respond to the waiver request.
- On 3/23/26, USED [approved](#) **Montana Office of Public Instruction’s** [application](#) for Ed-Flex authority through the 2029-2030 school year. The approval allows the Montana Office of Public Instruction to grant waivers to districts related to certain provisions of Title I, Part A and Part C, Title II, Part A, and Title IV, Part A, including schoolwide program eligibility and carry over requirements under Title I, Part A and category percentage requirements under Title IV, Part A.
- **!! NEW:** On 4/28/26, the **Ohio Department of Education and Workforce** [issued](#) a [draft](#) request for USED to waive some ESSA provisions. Public comments were due 5/28/26.
- **!! NEW:** On 5/13/26, USED approved the **Florida Department of Education’s** 4/9/26 Ed-Flex application. The breadth of [Florida’s](#) waiver—“waivers of [ESSA and Perkins] requirements, except those not subject to waiver by statute”—would essentially allow LEAs to potentially waive any requirements permissible under Ed-Flex, including requirements of Title I, Parts A, B, and C (other than section 1111); Title II, Part A; Title IV, Part A; and Perkins V.
- **!! NEW:** On 5/13/26, the **Illinois State Board of Education’s** (ISBE’s) 5/6/26, Ed-Flex application. [Illinois’](#) application focused on “waiving the 15% carryover limitation for Title I, Part A funds, and providing increased flexibility in the use of Title IV, Part A funds by waiving the mandatory spending minimums for each of the statutorily required content areas.”
- **!! NEW:** On 5/20/26, USED [announced](#) that Secretary McMahon has [approved](#) the **Louisiana Department of Education’s** ESSA waiver request. Louisiana’s waiver will allow it to consolidate state-level activities funds from its optional state set-asides of Title II, Part A; Title III, Part A; and Title IV, Parts A and B funds. For Louisiana, these set-asides total about \$18 million through 2029.
- **!! NEW:** On 5/19/26, USED [issued](#) two Dear Colleague Letters to state chiefs: one focusing on [transferability authority](#) which allows SEAs and LEAs to transfer formula funds from some Title II and IV programs to other programs under Titles I, II, III, IV, and V; and one focusing on [alternative fund use authority](#) which allows certain rural LEAs (those that meet eligibility requirements for the Small, Rural School Achievement program) to use Title II, Part A or Title IV, Part A funds to support activities authorized under Title I, Part A; Title II, Part A; Title III; and Title IV, Parts A and B without transferring funds.

Other Developments

- On 8/29/25, media [reported](#) that USED informed state departments of education that it was ending the [National Blue Ribbon Schools program](#). USED explained the rationale for ending the program as follows: “In the spirit of Returning Education to the States, USED is ending its role in the program. State leaders are best positioned to recognize excellence in local schools based on educational achievements that align with their communities’ priorities for academic accomplishment and improvement.”

- On 9/25/25, USED issued a [Request for Information \(RFI\)](#) seeking public feedback by 10/15/25 on its redesign of the **Institute of Education Sciences (IES)** “to ensure that its core functions—research, statistics, evaluation, and dissemination—are carried out in ways that maximize relevance, timeliness, and usability for the education stakeholders who rely on them.” Notably, about 90% of IES staff were part of USED’s RIF, large numbers of research grants and data contracts were canceled (with DOGE’s assistance), and the President’s proposed budget calls for a 67% reduction in IES funding.
 - On 2/27/26, USED released [Reimagining the Institute of Education Sciences: A Strategy for Relevance and Renewal](#), a report on the future of the IES. USED’s [press release](#) noted only that the “Department looks forward to considering the recommendations.” (See our 3/4/26 [Alert](#) for additional analysis.)
 - !! NEW:** On 6/4/26, IES [announced](#) that the Education Innovation and Research (EIR) Program, the Javits Gifted and Talented Students Education Program, the Comprehensive Centers (CCs) Program, and the Equity Assistance Centers Program are moving to IES from USED’s Office of Elementary and Secondary Education (OESE). (Note that these programs were not already shifted to other agencies via interagency agreements.)
- On 3/3/26, USED [published](#) a notice of proposed priorities, requirements, and definitions for the [Comprehensive Centers program](#) to “ensure that States, tribes, and local education communities are the primary voice driving the Department’s technical assistance investments;...technical assistance resources are easier to access and navigate...; and that we reduce administrative burden on State agencies to receive technical assistance from Department programs.” [Comments](#) on the proposal are due by 4/2/26.

[USED Reduction in Force \(3/11/25\)](#)

Summary

Reduces USED’s workforce by about 50%

- Announces a massive layoff of about ½ of USED’s staff including a reduction in force (RIF), employees who accepted the DOGE “fork” offer to voluntarily separate, and employees who accepted a recent \$25k buyout offer.
- Places RIF’d employees on administrative leave starting on 3/21/25 (and paid through 6/9/25).
- Omits an official accounting of the RIF and terminations, , although the press release noted: “All divisions within the Department are impacted by the reduction, with some divisions requiring significant reorganization to better serve students, parents, educators, and taxpayers.”

Analysis

- All indications are that the RIFs were not applied equally to all offices, with early reports of some offices being completely eliminated and others losing everyone except the office head. For example, almost all of the Institute of Education Sciences was cut; only 5 of 12 OCR regional offices remain; many lawyers in the General Counsel’s office were RIF’d.
- Because Congress established USED and added to its responsibilities through subsequent federal laws, only Congress can officially eliminate it or relieve the agency of those mandated responsibilities. Legal challenges to the RIF will likely center on whether the remaining USED workforce will be able to fulfil the roles mandated by Congress.

Notes

- On 3/14/25, USED transmitted two letters, [one](#) to K-12 stakeholders and [one](#) to the higher education community, stating that “critical functions...will not be impacted” by the RIF. The letters reveal some reorganizing plans as well, such as in K-12, moving the Office of English Language Acquisition to the Office of Elementary and Secondary Education.

LITIGATION OVER DISMANTLING USED

- **LAWSUIT:** On 3/7/25, three tribal nations and five Native American students filed a [lawsuit](#) in a DC federal court challenging recent layoffs at the Bureau of Indian Education (BIE) and two BIE-run schools. On 7/8/25 the parties [filed](#) a joint motion requesting a stay “until the agency completes its review of oral and written comments and takes any actions related to the consultation regarding EO 14210.” On 7/10/25, the court granted the motion.
 - On 2/29/26 the parties provided a joint status update to the court, reflecting recent tribal consultation hosted by ED and Interior and ongoing monitoring of potential implementation of the relevant IAA.
- **LAWSUIT:** On 3/24/25, NAACP, NEA, and others [filed](#) a lawsuit in Maryland, challenging the Administration’s efforts to dismantle USED. On 7/1/25, the groups [moved](#) for a preliminary injunction which the court [denied](#) on 8/19/25.
 - **!! NEW:** On 5/8/26, the court [denied](#) the Administration’s motion to dismiss, paving the way for discovery.
- **LAWSUIT:** On 3/24/25, AFT and a coalition of unions and school districts [filed](#) a lawsuit in Massachusetts, challenging the Administration’s efforts to dismantle USED. (The court later consolidated this case with a similar case brought by a coalition of states, which is described and updated in the next bullet.)
- **LAWSUIT:** On 3/13/25, in a Massachusetts federal court, 21 state AGs [sued](#), claiming the RIFs are equivalent to a functional elimination of the agency.
 - On 4/23/25, 192 Democratic members of the House of Representatives [filed](#) an amicus brief in support of the states’ lawsuit.
 - On 5/22/25, the court [granted](#) a preliminary injunction and ordered USED to allow RIF’ed staff to return to work and halt any steps related to the closure of USED. (The court previously consolidated this states-led-case with the unions-led case filed in the same Massachusetts court following the EO on the future of USED.)
 - 6/4/25, the 1st Circuit Court of Appeals [denied](#) the request for an administrative stay pending appeal. On 6/6, the Administration [appealed](#) to the Supreme Court.
 - On 6/10/25, USED disclosed for the first time two attempts to transfer some of the agency’s functions to other federal agencies. In a weekly [status update](#) filed in litigation challenging USED’s Reduction in Force (RIF), the Department described an agreement—now paused pending this litigation—between USED’s Office of Career, Technical, and Adult Education (OCTAE) and the Department of Labor’s Employment and Training Administration (ETA) for ETA to administer “up to \$2,673,000,000 in FY 2025 for funds appropriated in FY 2024 and FY 2025” Perkins and WIOA Title II funding and then seek reimbursement from OCTAE. The update also disclosed a now-pending memorandum of understanding with the Treasury Department regarding student loan management.
 - On 7/15/25, USED [announced](#) the agreement (see more above).
 - On 7/14/25, the Supreme Court [allowed](#) the USED RIF to move forward while the consolidated lawsuits proceed. The “emergency docket” decision had no accompanying opinion, but three Justices noted their disagreement, with Justice Sotomayor writing a 19-page dissent joined by Justices Jackson and Kagan. In her [press release](#) celebrating the decision, Sec. McMahon stated that “this Administration will continue to perform all statutory duties.” According to the dissenting Justices, however, the Court’s action “hands the Executive the power to repeal statutes by firing all those necessary to carry them out.”
 - On 11/25/25, plaintiffs in the AFT lawsuit [announced](#) that they have filed an [amended complaint](#) that folds into their case both factual assertions and legal claims related to the seven IAAs, including that the IAAs both violate authorizing and appropriations statutes and exceed the Secretary’s authority to delegate her responsibilities. On 1/9/26, the states similarly [amended](#) their complaint to address the IAAs.
 - **!! NEW:** On 4/21/26, the parties agreed to a [timeline for the discovery phase](#) through which USED will have to provide information, records, and deposition testimony related to steps it has taken to implement President Trump’s executive order to dismantle the agency. Discovery is scheduled to conclude on 7/31/26.
- **LAWSUIT:** On 4/21/25, the Victim Rights Law Center [filed](#) suit in a Massachusetts federal court and sought a preliminary injunction against ED asserting that OCR RIFs undermined the office’s ability to perform its statutory functions.
 - On 6/18/25, the court [granted](#) the preliminary injunction and directed USED to return OCR staff to work.

- On 7/21/25, following the Supreme Court's [decision](#) to permit the departmentwide RIF to move forward, USED [moved](#) for the PI in this case to be lifted. On 8/13/25, the court [denied](#) the motion and preserved the PI, distinguishing this case and the threatened harm from *NY v. Trump*.
- On 9/29/25, the 1st Circuit lifted the PI and [allowed](#) USED to move forward with the OCR RIF. The appellate court ruled that the Supreme Court's [decision](#) to allow the overall USED RIF to move forward applied equally to this separate lawsuit focused just on OCR. See below for further discussion of USED's rescinding of RIF notices to these employees under a preliminary injunction.
- **LAWSUIT:** On 3/14/25, in a DC federal court, the National Center for Youth Law [filed](#) a suit on behalf of parents of students with disabilities regarding the specific cuts to OCR. On 5/21/25, the court [denied](#) the plaintiffs' motion for a preliminary injunction. On 7/8/25, the court [paused](#) the litigation from moving forward.

USED RIFS

- On 10/10/25, the Office of Management and Budget (OMB) [confirmed](#) that USED began reduction-in-force (RIF) proceedings for 466 additional staff (roughly 20% of the remaining USED workforce) despite a government shutdown beginning on 10/1/25 due to a lapse in appropriations. Many of the cuts appeared to include entire teams that serve as the primary point of contact for grant recipients and state and local leaders as well as staff in at least four of the remaining five regional offices within the Office for Civil Rights.
- **LAWSUIT:** On 9/30/25, labor unions representing federal workers [filed](#) a preemptive lawsuit in federal district court in Northern California, challenging RIFs initiated during the government shutdown. On 10/10/25, the judge granted a [temporary restraining order](#) against the federal government and on 10/25/25, converted the TRO into a [preliminary injunction](#) that (absent a successful appeal) will remain in place for the duration of the lawsuit challenging the RIFs.
 - On 12/17/25, a federal judge [issued](#) a preliminary injunction preventing the Administration from finalizing RIFs initiated *before* the shutdown, building on the earlier PI that applied to RIFs initiated *during* the shutdown. The court found that the continuing resolution (CR) provision (in effect through 1/30/26, discussed below) regarding RIFs applies to the implementation of *all* RIFs, regardless of when the employees were first notified. The Administration first filed an emergency appeal but later withdrew it, so the injunction will remain in place while the underlying lawsuit proceeds.
- On 11/12/25, Congress passed a continuing resolution (CR) to reopen the government through 1/30/26. The agreement reverses the RIFs initiated just after the shutdown began and prohibits the Administration from initiating any new RIFs through 1/30/26.
- On 12/5/25, USED [directed](#) 247 employees within the Office for Civil Rights (OCR) to return from administrative leave to address a growing backlog of complaints. This group of OCR staffers—representing nearly half of the office's workforce as of January 2025—was included in the March RIF but is subject to the [OCR-specific lawsuit](#) brought by the Victim Rights Law Center, discussed above. Recalled staff resumed their work on 12/15 or 12/29, though USED [described](#) the return as “temporary” while litigation surrounding the RIF proceeds.

POST-RIF HIRING AT USED

- **!! NEW:** On 5/8/26, it was [reported](#) that USED has begun a hiring push within the Federal Student Aid office (FSA), planning to hire up to 334 full-time employees by 2027, roughly a 45% increase over current staffing levels—although that would still be fewer staff than before the March 2025 RIFs.
- **!! NEW:** On 5/11/26, the Institute of Education Sciences announced that it was [hiring](#) four employees to manage the IPEDS and Condition of Education data collections for the National Center for Education Statistics (NCES). The March 2025 agency-wide RIF originally reduced the NCES workforce from roughly a hundred employees to three, although there have been some other hires since, primarily to work on the National Assessment of Educational Progress (NAEP).

[“Restoring Public Service Loan Forgiveness”](#) EO (3/7/25)**Summary*****Initiates a rule-making process to change employer eligibility criteria***

- Directs the Secretary of Education to update the PSLF regulations to exclude from program eligibility any employer that engages in “activities that have a substantial illegal purpose.”
- Cites as examples of disqualifying employer activities: violations of federal immigration law, facilitating cartels, child trafficking, “engaging in a pattern of aiding and abetting illegal discrimination,” and engaging in a pattern of public nuisance or vandalism.

Analysis

- The EO does not directly change PSLF. Instead, it initiates a rulemaking process that could take upwards of a year before any resulting changes take effect.
- Although the Administration may try to take a different approach, in all prior cases of changing rules for loan, repayment, or forgiveness programs, the new rules apply only *moving forward* and not to existing eligible borrowers.
- To the extent the new rules align with the EO’s directions, they would likely be challenged in court at least under the First Amendment given the chilling effects of vague language such as “engaging in a pattern of aiding and abetting illegal discrimination” (particularly given other EOs that have been successfully challenged for similar language).

Notes

- On 4/4/25, USED [published](#) a Notice of Intent to negotiate new regulations on at least three higher education topics: (1) “Refining definitions of a qualifying employer for the purposes of determining eligibility for the Public Service Loan Forgiveness program,” (2) “Pay As You Earn (PAYE) and Income Contingent Repayment (ICR) repayment plans,” and (3) “Potential topics that would streamline current federal student financial assistance program regulations while maintaining or improving program integrity and institutional quality.” Depending on when the process concludes, any new regulations will become effective either on 7/1/26 or 7/1/27.
- On 8/18/25, USED [announced proposed rules](#) for PSLF and comments must be submitted by September 17, 2025.
- On 10/31/25, USED [released](#) its [final rule](#), which did not differ significantly from the [proposed regulations](#) released in August. (See [this overview](#) for specific changes USED made in response to public comments.) Most notably, the Administration’s new PSLF rule amends the definition of “qualifying employer” to “exclude organizations that engage in unlawful activities such that they have a substantial illegal purpose,” including aiding or abetting violations of federal immigration laws; supporting terrorism; providing transgender youth with, or assisting them in receiving, gender-affirming medical treatments; engaging in the trafficking of children across state lines for purposes of emancipation; engaging in a pattern of aiding and abetting illegal discrimination; or engaging in a pattern of violating state laws.”
 - **LAWSUIT:** On 11/3/25, 21 states and DC [challenged](#) the new rule in district court in Massachusetts alleging that the rule, among other things, violates the Administrative Procedure Act and the First Amendment.
 - **LAWSUIT:** On 11/3/25, a coalition of cities and counties, nonprofit organizations, and labor unions [challenged](#) the new rule in district court in Massachusetts.
 - **LAWSUIT:** On 11/4/25, a group of nonprofit organizations [challenged](#) the new rule in district court in DC.

Termination of Education Grants and Contracts (began on 2/10/25)	
Summary	Analysis
<i>Ends a large number of existing USED and Institute of Education Sciences (IES) grants and contracts across a wide array of federal education programming and services (2/10/25)</i> - Terminates immediately many existing <i>contracts</i> “for convenience” under a government contracting provision. - Terminates immediately many existing <i>grants</i> via form letters citing “DEI” and various other rationales such as “fraud, abuse, or duplication” and “fail to serve the best interests of the United States.” - Includes the following terminations, among others: - all Regional Education Laboratories (RELs) contracts - all Comprehensive Centers (CCs) grants - all Equity Assistance Centers (EACs) grants - at least 89 IES contracts for a wide array of data collections, program evaluations, technical assistance, and website development and maintenance - most if not all of the following teacher/leader preparation grants: Supporting Effective Educator Development (SEED), Teacher Quality Partnership (TQP), and Teacher and School Leader Incentive Program (TSLIP) - the contract for the upcoming NAEP assessment for 17-year-olds, as well as NAEP-supporting contracts such as one for running background checks on NAEP test administrators <i>Cancels “late liquidation” of remaining funds from a variety of federal pandemic recovery funds (3/28/25)</i> Informs state departments of education that the Administration has canceled any prior approval for “late liquidation” of remaining funds from a variety of federal pandemic recovery funds, including ARP ESSER, EANS, and HCY funds. - Indicates that states can reapply for an extension “on an individual project-specific basis” by explaining “(1) how a particular project’s extension is necessary to mitigate the effects of COVID on American students’ education, and (2) why the Department should exercise its discretion to grant your request.” - In a follow-up email on 4/3/25, USED explained the new process for requesting project-specific extension.	- Many of the canceled grants and contracts are for programs, services, and evaluations explicitly required by federal law. For example, EACs originate in the Civil Rights Act of 1964 while ten RELs are authorized in the Education Sciences Reform Act (ESRA) specifically to hold five-year contracts. - It is not clear yet whether or when USED will rebid the contracts or recompetite the grants. - There is significant work underway to analyze the legality of the terminations for potential legal action. (Also, litigation over other executive actions could impact these terminations, such as the lawsuits seeking to challenge the anti-DEI EOs that are cited as a rationale in the form letters terminating the grants.) - The letter asserts that “[a]ny reliance on a discretionary extension [by USED] subject to reconsideration by the agency was unreasonable.” - Reporting suggests that as many as 41 states and DC stand to lose almost \$3 billion in funding that was already obligated (mostly via contracts for services) but just not yet liquidated (or reimbursed) as the now-cancelled extensions had allowed final payments to be made through early 2026.
Notes ADDITIONAL GRANT/CONTRACT TERMINATIONS: School Lunch: USDA has also canceled about \$1B from the school lunch program by cutting payments that help schools purchase food from local farms.	

- **NAEP:** On 4/17/25, USED [announced](#) that the core 4th/8th grade ELA/math NAEP tests *will* be administered as planned in January 2026. But on 4/21/25, the National Assessment Governing Board [announced](#) reductions in the overall NAEP assessment schedule.
 - **!! NEW:** On 5/15/26, the National Assessment Governing Board [agreed](#) to offer testing that would provide state-level results in 12th grade math and reading, 8th and 12th grade civics, and 8th grade science to an [updated NAEP testing schedule](#). States must choose to opt into these new assessments.
- **NSF:** On 4/18/25, the National Science Foundation (NSF) [announced](#) updates to its priorities, which included among other things a shift away from “DEI”-related research and “projects with more narrow impact limited to subgroups of people based on protected class or characteristics.”
 - As of 5/9/25, media has reported cancellations of more than 1,400 NSF grants.
 - On 5/9/25, NSF [eliminated](#) the Division for Equity for Excellence in STEM and fired approximately 70 staff.
- **BSCA:** On 4/28/25, media [reported](#) that USED has begun notifying a significant number (perhaps almost all) of [Bipartisan Safer Communities Act](#) grantees that the Administration does not believe continuing these grants beyond the current budget period is in the “best interest of the Federal Government.” The non-continuation decisions may affect up to \$1 billion in BSCA school safety and school-based mental health support distributed by USED under two grant programs.
 - **LAWSUIT:** On 7/1/25, 16 states [sued](#) USED in federal court in that states of Washington, challenging the BSCA terminations as violations of the Administrative Procedures Act (APA). The plaintiff states include CA, CO, CT, DE, IL, ME, MD, MA, MI, NY, NV, OR, RI, WA, and WI. On 7/8/25, plaintiffs [moved](#) for a preliminary injunction.
 - On 10/27/25, a federal judge [issued](#) a preliminary injunction against USED, restoring funding for a total of 49 grantees in those states while the lawsuit proceeds. The injunction also prevents USED from awarding the contested funds to different grantees through two [new BSCA grant competitions](#) that USED launched in September, applications for which are due on 10/29/25 (see below).
 - On 12/19/25, the court issued a [partial summary judgment](#) in favor of the states, ruling that USED’s discontinuations violated the APA because they were arbitrary and capricious as well as contrary to law. The court vacated the discontinuation notices and ordered USED to “make a lawful continuation determination as to each Grant” that includes consideration of the grantees’ performance to date, specifically “the information listed in [34 C.F.R. § 75.253\(b\)](#) and similar relevant information.” Subsequently, the parties have disagreed about USED’s compliance with the order, with the court [ordering](#) USED to disburse funding by 2/6/26 (in some cases backdated) to prevent a funding gap.
 - On 2/24/26, the Ninth Circuit [denied](#) an appeal by USED seeking to pause the updated disbursement schedule. On 3/14/26, USED filed a [status report](#) with the district court reflecting the grantees who have received notices of continuation through and those that were discontinued and has obligated six months of funding to continuing grantees. Grantees may receive additional funds following the submission of mid-year performance and budget report (due 6/1/26).
 - On 9/29/25, USED announced two new competitions authorized by the Bipartisan Safer Communities Act (BSCA) to increase the number of mental health professionals in schools. New grantees will be prohibited from “using program funds for: (1) gender ideology, (2) political activism, (3) racial stereotyping, or (4) hostile environments for students of particular races.”
 - On 12/11/25, USED [announced](#) over \$208 million in new grant awards to 65 grantees for the Mental Health Service Professional Demonstration and School-Based Mental Health programs, both authorized by the Bipartisan Safer Communities Act. (These new awards were permitted to move forward by the court handling the states’ lawsuit described above.)
- **IDEA:** On 9/5/25, per [reporting](#), USED notified 25 grantees it will not continue funding their Individuals with Disabilities Education Act (IDEA), Part D grants citing DEIA in programmatic or organizational activities, impacting \$14.8 million for special education in FY26. Affected grantees were provided seven days to file an appeal.

- On 9/15/25, additional [reporting](#) identified discontinuations of dozens of individual grantees across six additional programs, including [Gaining Early Awareness and Readiness for Undergraduate Programs](#) (GEAR UP), [TRIO Programs](#), [Magnet Schools Assistance Program](#), [Assistance for Arts Education](#), [Innovative Approaches to Literacy](#), and [American History and Civics](#). They include programs for deaf and blind students and training programs for special education teachers.
- **LAWSUIT:** On 9/30/25, Center for Opportunity in Education (COE) filed [two lawsuits](#) (later consolidated into one) on behalf of its members in federal court, alleging that USED failed to follow required statutory and regulatory procedures when it denied applications for new Student Support Services grants and discontinued other TRIO grants mid-cycle.
 - On 1/16/26, the court [granted](#) a preliminary injunction against USED, vacating the non-continuation notices issued to COE and prohibiting the Department from taking further action around the discontinuances while the case proceeds.
- **AmeriCorps:** On 4/16/25, AmeriCorps [ended](#) the National Civilian Community Corps and fired approximately 2,000 service members. On 4/26/25, AmeriCorps [informed](#) all states and US territories of nearly \$400 million in grant terminations, ending nearly 1,000 programs and placing 85% of staff on leave.
 - **LAWSUIT:** On 4/29/25, 25 states [challenged](#) the terminations in federal court, arguing that the announcements violated the Administrative Procedures Act, the Separation of Power, and other bases. On 6/5/25, the court granted a preliminary injunction against the federal government.
 - On 6/5/25, the court issued a [preliminary injunction](#), ordering the restoration of AmeriCorps staff and grants.
 - On 11/25/25, the court granted an request to stay the case until 1/23/26 pausing the proceedings while leaving the injunction in place.
- **Community Schools:** On 12/12/25, according to [reporting](#) and a subsequent court filing, USED informed 19 recipients of [Full-Service Community Schools](#) (FSCS) grants that their multiyear grants would not be renewed, shortly before the programs expected to receive their next year of funding.
 - **LAWSUIT:** On 12/29/25, two organizations with FSCS grants filed [suit](#) in Illinois alleging that the non-renewals violate the APA, the Spending Clause of the US Constitution, the First Amendment, and more.
 - In a 3/5/26 [hearing](#), the parties reported that they reached an interim resolution through the end of the school year. Oral argument is set for 4/13/26.
 - **LAWSUIT:** On 12/29/25, a non-profit organization supported by an FSCS grant and the American Federation of Teachers, whose members work in schools benefiting from FSCS grants, filed [suit](#) in DC alleging that the non-renewals violate the APA.
 - On 2/27/26, the complainants filed an [amended complaint](#) as all obligated funds have been disbursed.
- On 5/1/25 the American Council of Learned Societies, the American Historical Society, and the Modern Language Association filed a lawsuit in New York challenging the termination of more than 1,400 National Endowment for the Humanities (NEH) grants. Many of these NEH grants were held by higher education institutions and/or support academic research and educator professional development.
 - **!! NEW:** On 5/7/26, the court ruled that the Administration acted illegally in blanketly terminating the grants. Finding that the actions of the Department of Government Efficiency and NEH violated the First and Fifth Amendments as well as were unauthorized by law, the court ordered NEH to reinstate all affected grants.

15% INDIRECT RATE: Related to the R&D terminations, multiple federal agencies have issued new guidance or rules setting a 15% indirect rate:

- **LAWSUIT:** On 2/7/25, the **National Institute for Health (NIH)** [published](#) new grants guidance setting “a standard indirect rate of 15% across all NIH grants for indirect costs in lieu of a separately negotiated rate for indirect costs in every grant.” (See [this explainer](#) for more details.) Three lawsuits in Massachusetts are challenging this NIH action, including 22 state AGs, higher ed associations, and medical associations.
 - On 4/4/25, the district court [issued](#) a *permanent* injunction preventing NIH from implementing the reduced indirect rate.
 - On 1/5/26, the First Circuit ruled against NIH’s appeal in a unanimous [opinion](#) finding that NIH’s proposed new rate “violates the congressionally enacted

appropriations rider and HHS's duly adopted regulations.”

- **LAWSUIT:** On 4/11/25, the **Department of Energy (DOE)** [announced](#) a similar change despite the permanent injunction in place against NIH. On 4/14/25, a coalition of universities and higher education associations [filed](#) a lawsuit in a federal court in Massachusetts challenging the new policy. On 5/15/25, the court [issued](#) a preliminary injunction preventing DOE from implementing the reduced rate while the lawsuit proceeds. On 7/31/25, DOE [appealed](#) the injunction to the 1st Circuit.
- On 5/2/25, the **National Science Foundation (NSF)** [announced](#) a similar change to its indirect rates despite the permanent injunction in place against NIH.
 - **LAWSUIT:** On 5/5/25, a coalition of universities and higher education associations [filed](#) a lawsuit in a federal court in Massachusetts challenging the new policy. On 6/20/25, the court [granted](#) summary judgment to the plaintiffs, *permanently vacating* the rate changes and declaring them “invalid, arbitrary and capricious, and contrary to law.” On 8/14/25, NSF [appealed](#) the decision to the 1st Circuit Court of Appeals.
 - **LAWSUIT:** On 5/28/25, 16 states filed a [lawsuit](#) in a federal court in New York against NSF challenging the imposition of the 15% indirect rate as well as grant terminations related to DEI. On 8/1/25, the court [denied](#) a request for a preliminary injunction to prevent NSF from taking further action.
 - On 8/25/25 the court issued an order voluntarily [dismissing](#) the case without prejudice.

ESSER LATE LIQUIDATION:

- Related to the revoking of late liquidation for ESSER funds, several states have requested Secretary McMahon to reconsider her decision, including at least [New York](#), [Kentucky](#), [Mississippi](#), and [North Carolina](#).
- **LAWSUIT:** On 4/10/25, 17 states [filed](#) a lawsuit in the Southern District of New York challenging the revocation of the late liquidation approvals.
 - On 5/6/25, the court issued a [preliminary injunction](#) preventing USED from enforcing the *initial* revocations.
 - But on 5/11/25, USED “[modified](#)” the newly-restored extensions from March of 2026 to 5/24/25 (thus providing the 14 days’ notice that the court stated in the preliminary injunction would be necessary before any future deadline modification).
 - On 5/20/25, the court granted a [TRO](#) preventing USED from enforcing this *second* attempt to cancel the late liquidation.
 - On 6/3/25, the court [granted](#) a second preliminary injunction covering the 5/11 letter’s attempted modification, requiring 30 days’ notice for any future modification, and inviting plaintiffs to seek further relief from the court after they review the reasons for any such modification. This opens the door for good-faith modifications but signals that the court will not allow USED to continue to try cancelling the late liquidation, at least while the lawsuit proceeds. (The government is appealing the decision.)
 - On 11/13/25, the parties jointly [asked](#) the court to pause the case, providing that USED agreed to not to rescind the previously agreed on liquidations. On 11/17/25, the court [agreed](#).
- On 6/26/25, USED [informed](#) all state departments of education that the Department was reversing course and would now honor the original late liquidation deadlines approved by the Biden Administration. Now all states—those who brought the litigation outlined above and those who did not join the suit—will receive the reimbursements they anticipated before USED terminated their extensions on 3/28/25, at least as long as the court challenge is pending.

LAWSUITS ABOUT EDUCATION GRANT TERMINATIONS

- **LAWSUIT:** On 2/13/25, a court [issued](#) a TRO in a case about the blanket terminations of **USAID** grants and contracts. The TRO does not apply to USED/IES terminations, but the legal ruling may be relevant to any future cases challenging the education terminations.

- On 3/5/25, the Supreme Court denied the Administration’s appeal of the TRO, on a 5-4 vote. The Court directed the district court to establish a new timeline for the government to restart the USAID payments. On 3/10/25, the lower court [converted](#) the TRO to a preliminary injunction, prohibiting the government from terminating any agreements or withholding remaining funds under agreement in place as of 2/13/25.
- **LAWSUIT:** On 3/3/25, AACTE and NCTR [filed](#) a lawsuit in federal district court in Maryland challenging the terminations of the **SEED, TQP, and TSLIP grants**. The suit claims the injunction on the anti-“DEI” orders should apply to these terminations and that the Administration must engage in formal rule-making to adopt new agency “priorities” before it can then cite a change in priorities as a basis for termination.
 - On 3/17/25, the court [issued](#) a preliminary injunction, directing ED to rescind the notices and prohibiting the Department from terminating the grants for the duration of the proceedings.
- **LAWSUIT:** On 3/6/25, eight states (CA, CO, IL, MA, MD, NJ, NY, WI) [sued](#) in a Massachusetts district court to challenge the termination of **SEED and TQP grants**. On 3/10/25, the court [issued](#) a TRO forcing USED to reinstate the grants in those eight states.
 - On 4/4/25, the Supreme Court [decided](#) in a 5-4 decision that the district court should not have granted the TRO because (i) the lawsuit probably should have been filed in a different court—the Court of Federal Claims, which typically handles monetary claims against the government—and (ii) the Court viewed the only irreparable harm might fall on the government. The Justices did *not* weigh in on the legality of the grant terminations themselves. But because the TRO has been lifted, USED does *not* have to reinstate the grants while the lawsuit proceeds.
 - On 6/2/25, the plaintiff states [amended their complaint](#) to add additional claims that, they argue, should justify keeping the case in the district court (rather than having it dismissed and being forced to file a new suit in the Court of Federal Claims).
 - On 11/13/25, a federal court in Massachusetts issued a [decision](#) ruling that the “two-track” approach emerging from Justice Barrett’s opinion in the [fractured decision in NIH v. APHA](#) is available to the plaintiffs here. First, the court will entertain the states’ arguments that the Administration broke the law in cancelling their grants. Second, if they win, the plaintiffs can then bring a case in the Court of Federal Claims to restore the grants.
 - On 12/29/25, the states submitted an amended complaint aligning with this bifurcated process.
- **LAWSUIT:** On 4/4/25, IHEP and AEFPP filed a [lawsuit](#) in DC federal court challenging the **hollowing out of IES**, including cancellation of grants and contracts.
 - On 6/3/25, the court [denied](#) the plaintiffs’ motion for a preliminary injunction, finding that the Administrative Procedures Act likely does not bar these actions.
 - On 6/18/25, IHEP and AEFPP [filed](#) an amended complaint in light of the court’s denial of an injunction.
- **LAWSUIT:** On 4/7/25, two grants recipients (Child Trends Inc. and RMC Research) [challenged](#) USED’s termination of the Regional Education Labs and Comprehensive Centers in federal court in Maryland.
 - On 8/15/25, the court [granted](#) summary judgment in favor of the recipients, ordering USED to “comply with their statutory obligations to fund the RELs and CCs.
- **LAWSUIT:** On 4/9/25, the Southern Education Foundation (SEF) [filed](#) a lawsuit in DC challenging the cancellation of the **Equity Assistance Center-South**.
 - On 4/23/25, SEF [moved](#) for a temporary restraining order and preliminary injunction.
 - On 5/21/25, the court [granted](#) the TRO and preliminary injunction, directing USED to restore SEF’s grant award within five business days. USED initially [appealed](#) the preliminary injunction to the DC Circuit Court but later withdrew the request on 9/30/25. As a result the PI will remain in place.
 - On 10/28/25, SEF [filed](#) a motion to dismiss the case which the court granted on 11/6/25 without prejudice.
- **LAWSUIT:** On 4/14/25, AERA and SREE filed a [lawsuit](#) in Maryland challenging the **IES RIFs and research grant cancellations**; they [moved](#) for a preliminary injunction on 4/17/25 but the court later [denied](#) on 6/2/25.

- **LAWSUIT:** On 4/24/25, the National Academy of Education and the National Council on Measurement in Education filed a [lawsuit](#) in DC, challenging a series of Administration actions related to the collection, analysis, and dissemination of **federal data at IES and the National Center for Education Statistics**.
- **LAWSUIT:** On 4/29/25, 24 states and Washington, DC [filed](#) a lawsuit in a Maryland federal court objecting to the massive cuts to **AmeriCorps** staff and grants that began taking place in the middle of April. (See more under **ADDITIONAL GRANT/CONTRACT TERMINATIONS**, below).

[“Expanding Educational Freedom and Opportunity for Families”](#) EO (1/29/25)

Summary	Analysis
<i>Seeks to expand school choice through federal programs.</i> • Directs the Secretary of Education within 60 days to issue guidance regarding how states can use federal formula funds (e.g., Title I) to support K-12 “educational choice initiatives.” • Requires the Secretary of Education to include “education freedom” as a priority in discretionary grant programs, “as appropriate and consistent with applicable law.” • Requires the Secretaries of Education and Labor within 90 days to each submit reports to the President that recommend ways to use relevant discretionary grant programs to “expand education freedom for America’s families and teachers.” • Charges the Secretary of Health and Human Services (HHS) within 90 days to issue guidance regarding whether and how states receiving federal block grants for families and children, including the Child Care and Development Block Grant (CCDBG), can use them to expand educational choice and support families who choose educational alternatives to governmental entities (including private and faith-based options). • Charges the Secretaries of Defense and Interior to each submit plans within 90 days describing how military-connected families and families of students eligible to attend Department of Defense Education Activity (DODEA) or Bureau of Indian Education (BIE) schools, respectively, may use federal funds – possibly as early as the 2025-26 school year – to attend schools of their choice (including private, faith-based, or public charter schools).	• The EO tasks multiple agencies to identify opportunities under existing law to expand educational choice, through both federal formula (e.g., Title I, CCDBG, etc.) and discretionary (also known as competitive) programs. The EO cannot modify or redirect the flow or allowable uses of federal formula funds that are set in statute. • Where agencies identify potential new uses of federal funds for vouchers/school choice, the impact could be more significant in states that already promote voucher policies. Most federal formula funds are spent at the discretion of states and districts within the existing parameters of the relevant grants as prescribed in statute, which are not expanded by the EO but are subject to appropriate interpretation of the agencies and ultimately the courts. • Discretionary grant programs may provide more opportunities than formula programs to direct federal funds to vouchers/school choice, such as through secretarial “supplemental priorities.” But these programs also have set uses and recipients (often SEAs and LEAs) prescribed in law, and the authority to append priorities to them will require further analysis. • CCDBG funds can already be used for private and faith-based <i>child care</i>. Efforts to preference certain types of providers would likely undermine a core purpose included in Congress’s most recent reauthorization of the law, which is to “promote parental choice to empower working parents to make their own decisions regarding the child care services that best suit their family’s needs.” • Allowing parents to use CCDBG certificates for the purposes of seeking a private, or faith-based, K-12 education, on the other hand, is prohibited by law. • The EO’s directives to the Secretary of HHS could also include examination of the Temporary Assistance to Needy Families (TANF) and Social Services Block Grants (SSBG) in addition to CCDBG since those are “block grants for families and children” and can be used to pay for child care.

Notes

- Although this EO does not propose any new federal programs or funds to advance choice or vouchers, it could mislead or elevate the expectation among parents that they will receive vouchers, particularly among families served by the Department of Defense and BIE considering that both sets of families are served through systems directed by federal agencies.
- Further, President Trump's FY 2026 budget request is likely to be released in March or April and to include proposals aligned with this EO.
- On 5/16/25 USED announced a \$60 million increase to the [Charter School Programs](#) was [first announced on 5/16/25](#), but did not disclose the source of the funding. At the same time, USED opened a new grant opportunity (the Model Development and Dissemination Grant Program to showcase innovative charter school models), and kicked off new competitions in five existing CSP funds: State Entities, State Facilities Incentive Grants, Credit Enhancement, Charter Management Organizations, and Charter School Developers.
 - On 9/15/25 reporting later identified the sources for the \$60 million as \$31 million from the [Ready to Learn Programming](#), \$15 million from the [Magnet Schools Assistance Program](#), \$9 million from the [Jacob K. Javits Gifted and Talented Students Education Program](#), \$3 million from the [Statewide Family Engagement Centers Program](#), and \$2 million from the [Assistance for Arts Education Program](#).
- On 7/4/25, President Trump signed the One Big Beautiful Bill into law (OBBBA), establishing the first **federal tax credit program** for contributions to non-profit Scholarship Granting Organizations (SGOs). The new tax credit applies to individuals' contributions (up to \$1700 per year) to SGOs that fund scholarships for qualified educational expenses for eligible elementary and secondary students enrolled in a public, private, or religious school.
 - On 11/25/25, the Department of the Treasury and the Internal Revenue Service [issued](#) a [request for comments](#) on the implementation of the new [education tax credit program](#). Comments must be [submitted](#) by 12/26/25.
 - On 1/27/26, USED and the Department of the Treasury (Treasury) released a [joint fact sheet](#) regarding the education tax credit program. The fact sheet provides an overview of the program, including topics such as how the program works, who is eligible to participate, and allowable uses of scholarships funds.
 - **!! NEW:** On 6/9/26, Treasury and USED previewed at an invitation-only event some of the policy decisions that it plans to include in forthcoming draft regulations for the Federal Scholarship Tax Credit (FSTC) program. (See our [6/12/26 Alert](#) for a full analysis.)

GUIDANCE ON USING FEDERAL FUNDS FOR CHOICE

- On 3/31/25, USED [issued](#) a [Dear Colleague Letter](#) that follows up on this EO's direction for USED to issue guidance on how states can use **federal formula funds** to support K-12 "educational choice initiatives." The letter points to two flexibilities within ESSA's Title I formula funds that states can use "to provide greater flexibility to support parents' choices for their child's education."
 - First, USED highlights the optional state set-aside in Section 1003A for up to 3% of a state's Title I allocation for "Direct Student Services" such as "advanced courses, dual enrollment, academic tutoring, career and technical education, personalized learning, and out-of-school activities." States could use these funds to provide families with a choice of which services best met their children's needs.
 - Second, USED points out that Title I schoolwide and targeted assistance programs could similarly provide families with some choice about which improvement activities are the best fit for their child such as "dual enrollment opportunities, academic tutoring programs, and career and technical education activities."
 - Contrary to some [commentary](#), the letter does not appear to open new pathways for Title I funds to follow students or expand school choice, but it simply reiterates options that could be offered by states or districts under existing law.
 - The letter also notes that it will be the first of "several" such guidance documents.

- On 5/9/25, USED issued a [Dear Colleague Letter](#) encouraging LEAs to make full use of **ESEA Sec. 8532**, which directs states to provide school choice options for students enrolled in public schools deemed unsafe by the state or after experiencing a violent criminal offense on school grounds.
- On 6/27/25, USED issued a new [Dear Colleague Letter](#) to state and local education agencies regarding how they can use **ESEA school improvement funds** to support school choice initiatives. The guidance focuses on how states that allocate ESEA Sec. 1003(a) funds via a competition—rather than distributing the funds via formula—could prioritize proposals from those districts that will offer school choice options to students enrolled in schools identified for improvement.
- On 8/21/25, USED issued [guidance](#) that provides information on how state and local education agencies (SEAs and LEAs) can use Title I funds under the **equitable services** provisions of the Every Student Succeeds Act (ESSA), which is a longstanding provision that Title I eligible students in private schools remain eligible for Title I services similar to those provided, with federal funding, to their public school peers. Consistent with the other “school choice” guidance documents issued by the Trump Administration, the new DCL does *not* entail a change to current law.
- On 1/21/26, USED issued a [Dear Colleague Letter \(DCL\)](#) highlighting existing flexibilities in ESEA’s Title I, Part A (Title I) schoolwide program (Section 1114). The DCL specifically focuses on encouraging schools operating schoolwide programs to consider consolidating other federal funds (as well as state and local funds) to support a “comprehensive instructional framework, enabling systemic improvements.”

TOPIC 3: IMMIGRATION

[“Enhancing National Security By Addressing Risks at Harvard University”](#) Presidential Proclamation (6/4/25)

Summary	Analysis
<i>Bars foreign nationals from entering the country to study at Harvard and orders review of the current students’ visas.</i> • Suspends and limits any nonimmigrant from entering the country with the purpose of studying at Harvard or participating in an exchange visitor program hosted by the university for six months. • Directs the Secretary of State to review, at his discretion, the immigration status of Harvard students currently in the United States on F, M, or J visas. • Directs the Secretaries of State and Homeland Security and the Attorney General to consider limitations on Harvard’s ability to participate in the SEVP and the Student and Exchange Visitor Information System • Directs the Secretaries of State and Homeland Security and the Attorney General to produce recommendations for the extension of the ban after 90 days. • Excludes from the prohibition any foreign national whose entry is deemed in the national interest or to those entering the country under the Student Exchange Visa Program (SEVP) to attend another institution.	• The proclamation outlines a number of bases for excluding Harvard from hosting international students including: alleged rising crime rates at Harvard, the university’s refuse to provide documentation sought by DHS regarding “known illegal activity” of foreign students, the university’s receipt of significant foreign donations, involvement in legal challenges to affirmative action, ongoing civil rights violations, and previously hosting individuals associated with “a Chinese Communist Party paramilitary organization.” • This proclamation is part of an ongoing dispute between Harvard University and the Trump Administration (see “Additional Measures to Combat Anti-Semitism,” above.) • See EducationCounsel’s DEEP DIVE for a full and ongoing summary of the conflict.

Notes

- **LAWSUIT:** On 6/5/25, Harvard [amended](#) its complaint in an ongoing lawsuit against the Administration regarding DHS's attempt to terminate the university's SEVP eligibility, already subject to a preliminary injunction. On 6/6/25, Harvard [sought](#) and [received](#) a TRO against the enforcement of the proclamation. See additional information in our [deep dive](#).
 - On 9/3/25, the court granted Harvard a [partial summary judgment](#) meaning the case will continue to move forward on some but not all of the issues raised in the initial complaint.

[“Protecting American Communities From Criminal Aliens” EO \(4/28/25\)](#)**Summary*****Directs federal agencies to take action against “sanctuary jurisdictions.”***

- Requires DOJ to publish a “sanctuary jurisdictions” list within 30 days (i.e., 5/28/25) and notify them about any potential violations of federal criminal law related to the jurisdictions’ approach to immigration enforcement.
- Asks OMB and other agencies to identify federal funding streams that may be suspended or terminated if jurisdictions choose not to comply, as part of DOJ’s “enforcement measures.”
- Directs DHS to develop guidance, rules, and other mechanisms to ensure that recipients of federal public benefits provided by *private entities* in a sanctuary jurisdiction are eligible based on their immigration status.
- Directs DOJ to “take appropriate action to stop” any state or local laws, policies, or practices that preference “aliens” over American citizens, including state laws that “provide in-State higher education tuition to aliens but not to out-of-State American citizens.”

Analysis

- While not exclusively focused on schools, the EO raises two potential threats to education. First, federal education funding could be one of the funding streams that are suspended or terminated for noncompliance with the President’s immigration agenda. Second, the EO specifically mentions targeting state laws that qualify undocumented students for in-state tuition.
- Note that the provision mentioning state laws providing in-state tuition uses the term “alien” whereas the other parts of the EO use the phrase “illegal aliens.” It is thus unclear if actions under this provision would apply to all non-citizen residents or only to undocumented individuals.

Notes

- The EO asserts that states and localities deemed sanctuary jurisdictions are engaged in “lawless insurrection” against the federal government’s immigration authority.
- On 5/29/25, DHS released a list of identified sanctuary jurisdictions that will be “reviewed and changed at any time and will be updated regularly.” On 6/2/25, DHS [removed](#) the list from its website after significant backlash from the National Sheriffs’ Association and others.
- **LAWSUIT:** DOJ has launched a series of suits against states that permit all residents to qualify for in-state tuition regardless of immigration status:
 - On 6/5/25, hours after filing a federal lawsuit, DOJ [announced](#) an agreement with **Texas** to end the state’s practice of providing undocumented residents with in-state tuition, which DOJ asserts violates a federal law prohibiting “any postsecondary education benefit” for undocumented students unless out-of-state citizens can receive the same benefit.

- On 6/17/25, DOJ [filed](#) a similar suit against **Kentucky**. On 11/19/25, a federal judge [permitted](#) Kentucky Students for Affordable Tuition, represented by attorneys from the Mexican American Legal Defense and Educational Fund, to intervene in the litigation in order to defend that state's policies permitting undocumented students to qualify for in-state tuition.
- On 6/25/25, DOJ [filed](#) a similar suit against **Minnesota**. On 3/27/26, a federal court [dismissed](#) the suit and distinguished Minnesota's statutes from the federal law that DOJ relied on. Actual residence within Minnesota, the court noted, is *not* the deciding factor under the specific state laws at issue in this case. (See our 4/1/26 [Alert](#) for additional analysis). On 5/1/26, DOJ [appealed](#) the dismissal.
- On 8/5/25, DOJ [filed](#) a similar suit against **Oklahoma**. On 8/29/25, the judge issued a final consent judgment after the state and DOJ agreed to end the practice.
- On 9/2/25, DOJ [filed](#) a similar suit against **Illinois**.
- On 11/20/25, DOJ [filed](#) a similar lawsuit against **California**.
- On 12/29/25, DOJ [announced](#) a similar lawsuit against **Virginia**. On 12/30/25, Virginia and DOJ filed a joint motion seeking an order reflecting DOJ's position and requesting a permanent injunction preventing the state from applying its relevant laws to undocumented students in the future.
- **!! NEW:** On 4/21/26, DOJ filed a [complaint](#) against **Nebraska**, and simultaneously [joined with the state](#) to file a [proposed consent decree](#) that would permanently enjoin Nebraska from enforcing its laws regarding in-state tuition, scholarships, and other financial assistance and public benefits for undocumented students.
- **!! NEW:** On 4/30/26, DOJ [announced](#) that it had filed a [complaint](#) against **New Jersey** challenging its similar state laws. This complaint targets both New Jersey's in-state tuition eligibility laws and later-enacted laws that extend access to state financial aid and scholarships.

["Ending Taxpayer Subsidization of Open Borders" EO \(2/19/25\)](#)

Summary	Analysis
<i>Seeks to prohibit federal funds from being provided to undocumented immigrants.</i> ● Directs agency heads to identify all federal programs that provide "cash or non-cash public benefit[s]" to undocumented immigrants, and ensure that federal payments to states and communities "do not, by design or effect, facilitate the subsidization or promotion of illegal immigration, or abet so-called 'sanctuary' policies that seek to shield illegal aliens from deportation." Agency leads must also "enhance eligibility verification systems" for public benefit programs. ● Requires the OMB Director and DOGE Administrator within 30 days (i.e., 3/21/25) to identify all other sources of federal funding for undocumented immigrants and recommend additional agency actions. ● Further, "Agencies shall refer any improper receipt or use of Federal benefits to the Department of Justice and the Department of Homeland Security for appropriate action."	● Generally, undocumented immigrants are not eligible for federal public benefits, including benefits offered under CCDBG, TANF, SSI, SNAP, and health benefits provided under the Affordable Care Act. ● However, for certain benefits, federal law allows all eligible individuals to access them, regardless of their immigration status, including Head Start, programs provided through the Child Nutrition Act and the Richard B. Russell National School Lunch Act, and means-tested programs authorized in ESSA. ● The EO does not say whether K-12 education will be considered a "non-cash public benefit," but it's critical to keep in mind that K-12 students are guaranteed equal access to public education, <i>regardless of immigration status</i>, under <i>Plyler v. Doe</i>. ● The EO also includes a threat of enforcement around any "improper receipt or use of Federal benefits," which could suggest that agencies providing benefits

(including through grantees) may share undocumented immigrants' data with DOJ and DHS.

Notes

- On 3/27/25, USED [announced](#) it was revoking Biden-era waivers for California and Oregon that allowed colleges to use federal TRIO program funds to support undocumented students. The waivers had been granted pursuant to the Performance Partnership Pilots for Disconnected Youth (P3) program.
- To further implement this EO, on 7/10/25 and 7/11/25, the Administration [announced](#) a series of new federal agency interpretations of what constitutes a federal “public benefit” under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). Among the programs restricted by the Administration affecting children and students are WIC, Head Start, postsecondary career and technical education (CTE), and dual enrollment, among others. (See our Deep Dive, “[Who Benefits?](#)” for more information.)
 - On 7/10/25, HHS [reinterpreted](#) a “federal public benefit” to include Head Start and 12 other programs as federal public benefits subject to PRWORA’s immigration restrictions.
 - On 7/10/25, USED [published](#) a Notice of Interpretation in the Federal Register applying these changes to federal programs that provide postsecondary education and other similar benefits, including career and technical education (CTE) programs under the Carl D. Perkins Career and Technical Education Act (Perkins V), and adult education programs under Title II of the Adult Education and Family Literacy Act (AEFLA) of the Workforce Innovation and Opportunity Act (WIOA).
 - **LAWSUIT:** On 7/21/25, a coalition of 21 states [filed a lawsuit](#) challenging the policy changes announced by USED, DOL, HHS, and DOJ. On 7/25/25, those states and the federal government [agreed](#) to pause enforcement of the agencies’ reinterpretations *only in the plaintiff states* until 9/3/25, so the court can consider the legal challenge. On 9/10/25, the court issued a [preliminary injunction](#), again only in the plaintiff states.
 - On 11/7/25 the Administration [appealed](#) the PI halting enforcement of PRWORA reinterpretations at HHS, USED, DOL, and DOJ. It later withdrew the appeal, allowing the injunction to remain in place through the duration of the litigation.
 - On 12/8/25, the government [agreed](#) to add HUD to the suit and stop enforcement of HUD’s PRWORA reinterpretation regardless of the outcome of the suit.
 - **LAWSUIT:** On 9/11/25, several Head Start associations and parent groups won a [preliminary injunction](#) halting any enforcement of HHS’s reinterpretation of Head Start eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The groups [filed](#) the federal lawsuit in the state of Washington regarding HHS’s actions regarding Head Start, later amended to include the PRWORA interpretation. (See [Department of Health & Human Services Reduction in Force](#), above, for more information).
- On 9/18/25, USED [withdrew](#) the Notices Inviting Applications (NIAs) and cancelled the FY25 competitions for two higher education programs designed to assist migratory or seasonal farmworkers (or immediate family members of such workers): [College Assistance Migrant Program](#) (CAMP) (\$5 million) and [High School Equivalency Program](#) (HEP) (\$6 million).
- On 11/19/25, the Department of Homeland Security (DHS) [proposed](#) reviving and updating a policy that was in place before 2022. The “public charge” rule penalizes lawfully present immigrants for using certain federal benefits, including Medicaid and food assistance.

[“Protecting the Meaning and Value of American Citizenship” EO \(1/20/25\)](#)**Summary*****Instructs the federal government not to recognize birthright citizenship.***

- Reinterprets the 14th Amendment’s Citizenship Clause, which provides that: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”
- Seeks to exclude from automatic citizenship those born in the U.S. under two conditions: (1) when the mother was unlawfully present and the father was neither a U.S. citizen nor a lawful permanent resident at the time of birth; or (2) when the mother was lawfully but temporarily present (e.g., on a student, work, or tourist visa), and the father was neither a U.S. citizen nor a lawful permanent resident.
- Applies only to those who are born thirty days after the issuance of the EO (i.e., 2/20/25).

Analysis

- The EO may be overturned as violating the 14th Amendment because the Citizenship Clause has been the subject to prior interpretation by federal courts, including the U.S. Supreme Court. These rulings, in addition to explicit legislative history during debates about the 14th Amendment, have consistently held over the past century that the 14th Amendment confers citizenship to nearly all children born in the United States, with very limited exceptions (e.g., the children of foreign diplomats because they are not subject to U.S. jurisdiction, unlike other nationals of other countries who are while present in the U.S.).
- The EO implicates the rights of not only individuals who are in the U.S. unlawfully, but also those who are lawfully present but on a temporary basis. For example, if a graduate student is attending an institution in the United States and has a child, citizenship may not confer to the child.
- Certain early childhood settings are subject to the federal eligibility requirements in the Personal Responsibility and Work Opportunity Act (PRWOA), which limits eligibility to federal public benefits to “qualified immigrants,” including only those children who are citizens or here lawfully. This includes benefits provided under the Child Care & Development Block Grant (CCDBG). If this EO remains in effect, CCDBG benefits could not be conferred to those who were lawfully present solely due to their birth on American soil. Head Start is not considered a federal public benefit subject to PRWOA’s eligibility requirements.

Notes

- **LAWSUIT:** At least ten lawsuits are challenging this EO. The federal judge in Seattle (appointed by President Reagan) hearing the challenge by four states [issued](#) a nationwide preliminary injunction, blocking implementation of the EO. The judge stated, “I’ve been on the bench for over four decades, I can’t remember another case where the question presented is as clear as this one is. This is a blatantly unconstitutional order.” On 2/19/25, the Ninth Circuit Court of Appeals left the injunction in place while the appeal proceeds. A judge in Maryland has also [issued](#) a preliminary injunction in one of the parallel cases.
 - On 3/13/25, the Administration [asked](#) the Supreme Court to allow the government to move forward with the EO except with respect to the plaintiffs in these lawsuits. On 6/27/25, the Court [granted](#) the government’s request for a partial stay of the lower court injunctions and rejected the longstanding concept of universal or nationwide injunctions. Notably, the decision is procedural only and the Court did not address the question of whether the birthright citizenship order itself is constitutional.
 - **!! NEW:** On 4/1/26 the Supreme Court heard oral arguments in [Trump v. Barbara](#), one of the suits challenging the EO.

"Protecting the American People Against Invasion" EO (1/20/25)**Summary*****Prompts immediate federal actions to vigorously enforce immigration laws.***

- Rescinds four 2021 Biden Administration EOs related to immigration, including those aimed at addressing asylum seekers and family reunification, and instructs agencies to "promptly revoke all guidance and policies" based on these.
- Establishes Homeland Security Task Forces to "end the presence of criminal cartels, foreign gangs, and transnational criminal organizations throughout the United States, dismantle cross-border human smuggling and trafficking networks, end the scourge of human smuggling and trafficking, with a particular focus on such offenses involving children," among other actions.
- Enforces civil fines and penalties to undocumented immigrants and promotes the construction of detention facilities.
- Requires the Secretaries of Homeland Security and Treasury to report within 90 days (i.e., 4/20/25) with progress on the actions in the EO and recommendations of additional actions.
- Instructs the Secretary of Homeland Security to use "her sole and unreviewable discretion" to carry out "efficient and expedited removal of aliens."
- Directs the Attorney General and Secretary of Homeland Security to evaluate federal funding available to "sanctuary" jurisdictions and take "lawful" action against their practices.
- Instructs the Department of Homeland Security to significantly increase the number of agents and officers available to perform the duties of immigration officers.

Analysis

- This is a sweeping EO that requires Administration officials to carry out vast actions implementing immigration law enforcement.
- The discretion granted to the Secretary of Homeland Security by this EO creates a wide range of potential impacts on K-12 schools and universities, especially with respect to ICE enforcement actions on students and their families/caregivers, as well as impacts on staff faced with enforcement taking place on their campuses. To the extent the EO leads to significant increases in deportations and/or family separation, child care providers and K-12 schools may be confronted with extremely high levels of student instability and increased needs.

Notes

- The Administration paired this EO with the [rescission](#) of guidance by the Department of Homeland Security that generally protected certain areas – including schools, universities, churches, and hospitals – from immigration enforcement. Click [here](#) for a summary of this sensitive areas policy, which dates back to 2011.
 - **LAWSUIT:** This change in policy is being challenged in at least three lawsuits, including a coalition of Quaker congregations, two dozen religious groups, and [Denver Public Schools](#). On 2/24/25, the court in the Quakers case [issued](#) a preliminary injunction undoing the change in DHS guidance but only for the plaintiffs' places of worship. On 4/24/25, DHS [appealed](#) the injunction to the 4th Circuit Court of Appeals.
 - Attempts to conduct immigration enforcement actions have been reported in at least three public K-12 schools (in [DC](#), [Los Angeles](#), and [Minneapolis](#)).
 - **LAWSUIT:** On 4/28/25, community organizations and houses of worship filed [suit](#) in Oregon over the change in policy.
- The Department of Justice followed up by [ordering](#) its U.S. Attorneys around the nation to investigate state and local officials who refuse to help execute the Administration's immigration policies. There will likely be legal challenges to any prosecutions along these lines, as the Supreme Court has held that the federal government cannot commandeer state/local law enforcement to implement federal laws, but the EO may impact data-sharing requirements, and the threat may have powerful chilling effects.

- **LAWSUIT:** At least three lawsuits are challenging various aspects of this EO, including a [suit](#) by a group of California cities and counties that challenges the EO and the DOJ directive under the 10th Amendment. On 4/24/25, the court [granted](#) a preliminary injunction against DHS preventing the government from taking any action to implement the EO against the participating cities and counties during the litigation.
- During March and April, over 1,000 international students have had their visas revoked, their legal status terminated, or both, triggering dozens of lawsuits across the country. On 4/25/25, the federal government [appeared to reverse course](#) pending an update to the SEVIS policy.
- On 5/27/25, the State Department [directed](#) a complete pause all new student visa interviews ahead of greater social media screening and vetting procedures. On 6/18/25, State lifted the previous pause on scheduling new F-1, J-1, and M-1 international student visa interviews, and implemented a new social media vetting policy.
 - On 12/3/25, State [announced](#) that all applicants for F, M, and J nonimmigrant visas will be subject to an “online presence review” going forward and applicants should set all of their social media profiles to “public” to facilitate the process.
- On 8/28/25 DHS [announced](#) proposed changes to the F, J, and I visa programs, including capping international student visas at four years regardless of the duration of their academic program. If finalized, recipients would be required to apply for extensions and undergo “regular assessments” by DHS to remain in the U.S. beyond four years, as is often required by graduate students and instructors. Comments were due by 10/27/25.
- On 2/4/26, Fridley Public School District, Duluth Public School District, and the Education Minnesota teachers union filed a [lawsuit](#) in federal court challenging efforts by federal immigration enforcement in or near schools or other “protected areas” in Minnesota. **!! NEW:** On 5/6/26, the court [denied](#) a request for a temporary injunction while the lawsuit proceeds.

“Declaring a National Emergency at the Southern Border of the United States” EO (1/20/2025)

Summary	Analysis
<i>Deploys federal resources to security enforcement at the U.S.-Mexico border.</i> • Declares a national emergency at the U.S.-Mexico border. • Asserts presidential authority to deploy emergency response via the Armed Services, more specifically, the Ready Reserve and National Guard. • Supports coordination between state governors and the Department of Defense to deploy additional physical infrastructure to improve operational security in obtaining “complete operational control of the southern border of the United States.” • Requires the Secretaries of Defense and Homeland Security to submit a report within 90 days (i.e., 4/20/25) about the conditions at the border and any recommendations for additional actions.	• This EO primarily re-issues President Trump’s prior emergency at the U.S.-Mexico border and authorizes the deployment of Armed Services to prevent illegal entry into the United States. However, while the first declared emergency at the border was aimed at supporting the creation of a wall at the border, this EO seems oriented more toward enlisting the military in immigration enforcement. This would provide added capacity to the work typically undertaken by Homeland Security. • Presidents have broad authority to declare national emergencies, which immediately provide special authorities to the President to intervene and respond in ways that the executive deems appropriate to meet a crisis. Congress can suspend national emergencies, though it seems unlikely in this instance given the current make-up of Congress. • Depending on how the increased border enforcement is implemented, this EO could result in more separation of children from their parents or guardians.

TOPIC 4: REPEAL OF PRIOR ADMINISTRATION ACTIONS

“Additional Rescissions of Harmful Executive Orders and Actions” EO (3/14/25)

Summary	Analysis
<i>Rescinds eighteen EOs covering wide-ranging topics</i> - Includes rescission of several EOs relevant to education and child services, including: Executive Order 14119 (Scaling and Expanding the Use of Registered Apprenticeships in Industries and the Federal Government and Promoting Labor-Management Forums) Executive Order 14126 (Investing in America and Investing in American Workers) Executive Order 14112 (Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination) Executive Order 14026 (Increasing the Minimum Wage for Federal Contractors)	- These newly-rescinded EOs join the more than 50 EOs and actions that President Trump rescinded on his first day in office (listed in the next row). - A number of these EOs dealt with issues relating to the workforce. For instance, President Trump rescinded an EO issued by President Biden that established a \$15 minimum wage for federal contractors. He also rescinded an EO that promoted Registered Apprenticeships to meet employers’ needs while investing in workers’ skills. The Biden Administration had worked extensively to establish Registered Apprenticeships to increase the pipeline of K-12 teachers, increasing the number of states with recognized Registered Apprenticeships from two in 2021 to nearly 50 in 2024. The President also rescinded an EO that prioritized certain activities with investments provided through the Bipartisan Infrastructure Law, Inflation Reduction Act, and CHIPS & Science Act, including projects that provided family sustaining wages to workers, including those workers operating in the care economy. - Additionally, the President rescinded an EO that strove to enhance tribal self-governance by asking agencies to (1) identify chronic shortfalls in federal funding to Tribal Nations; and (2) reduce administrative burdens by designing and administering funding programs in ways that provide Tribal Nations with greater autonomy and flexibility. Flexibilities, like the ones called for in the now-rescinded EO, have been crucial in Tribal Nations’ ability to effectively steward federal funding for young children, particularly through funds reserved to Tribes under the Head Start and Child Care and Development Block Grant Acts.
Notes With this action, President Trump has rescinded nearly two-thirds of the EOs issued by President Biden.	

“Initial Rescissions of Harmful Executive Orders and Actions” EO (1/20/25)

Summary	Analysis
<i>Rescinds approximately eighty EOs and PMs issued during the Biden Administration that addressed wide-ranging topics.</i> Reverses Biden Administration policies that the new Administration deems “deeply unpopular, inflationary, illegal, and radical” and aims to “restore common sense to the Federal Government and unleash the potential of the American citizen.”	The EO reinforces this Administration’s preference for eliminating completely any prior measures to promote DEI in the federal workforce, apply an equity lens to federal policies and programs, or focus on the welfare of any particular group of people.

- Includes rescission of several EOs and PMs about education, including EOs that: - Advanced racial equity and supported underserved communities across the federal government, spurring federal agencies to create equity action plans to assess how policies perpetuate systemic barriers to opportunity, and how agencies would address those barriers; - Established White House Initiatives dedicated to advancing equity of opportunity for particular populations of students and certain institutions, including initiatives dedicated to advancing educational equity, opportunity, and economic advancement for Hispanics, Native Americans, and Black Americans, and to strengthening Tribal Colleges and Universities and Hispanic Serving Institutions; - Ensured the Census counted non-citizens; - Established the first-ever Gender Policy Council, dedicated to coordinating interagency efforts to promote equity of opportunity, particularly for women; and - Advanced DEI in the federal workforce.	- While the Trump EO rescinds prior EOs establishing White House Initiatives for certain students, it does not rescind the EO establishing a White House Initiative to strengthen Historically Black Colleges and Universities issued by President Obama. - Notably, certain other EOs from the Biden Administration were retained, including the EO on Increasing Access to High-Quality Care and Supporting Caregivers. This EO drove actions across the federal government to support the care economy, including child care. While many directives from that EO have been achieved, some remain outstanding.
Notes - During his term, President Biden released approximately 160 EOs. These initial rescissions effectively cut the number of effective EOs issued by President Biden in half. - As discussed in an earlier row above, President Trump also separately rescinded a 1965 executive order (EO 11246) from the Lyndon B. Johnson Administration that has been a hallmark of the civil rights era by ensuring anti-discrimination protections for employees of federal contractors and subcontractors. - On 2/10/25, USED initiated rulemaking to reverse recent changes by the Biden Administration to CTE reporting requirements under Perkins.	

TOPIC 5: MANAGEMENT OF THE FEDERAL GOVERNMENT AND WORKFORCE

[“Continuing the Reduction of the Federal Bureaucracy”](#) EO (3/14/25)

Summary	Analysis
<i>Reduces several federal entities to minimize their functions</i> - Eliminates the “non-statutory components and functions” of the seven entities including the Institute of Museum and Library Services (IMLS). - Reduces the “performance of their statutory functions and associated personnel to the minimum presence and function required by law.”	The EO eliminates(or greatly diminishes) IMLS, an independent federal agency that administers more than \$200 million in grants to libraries and museums across the country. IMLS grantees promoted literacy and fostered ties to strengthen school libraries. According to its authorizing statute, all library programs supported by IMLS must “[p]romote literacy, education, and lifelong learning, including by building learning partnerships with school libraries in our nation’s schools . . . and developing resources, capabilities, and programs

in support of state, Tribal, and local efforts to offer a well-rounded educational experience to all students.”

Notes

- The EO’s language about “minimum presence” and “statutory functions” echoes the Administration’s statements about the USED RIF and other efforts to reduce the federal government. As in that context, legal challenges may arise from whether the Administration’s cuts and layoffs go too far.
- On 3/31/25, there were multiple [media reports](#) that all or nearly all IMLS staff have been placed on administrative leave for up to 90 days. [News reports](#) indicate that many, if not all, IMLS grants have been terminated as well.
- **LAWSUIT:** On 4/4/25, twenty-one states [filed](#) a lawsuit challenging this EO and have since moved for a preliminary injunction. On 5/6/25, the court issued a [preliminary injunction](#) preventing the federal government from enforcing the EO against the IMLS, MBDA, and FMCS.
 - On 5/16/25, the government appealed the injunction to the First Circuit which was later denied on 9/11/25.
 - On 11/21/25, the court [ruled](#) in favor the states, finding that the government violated the APA and likely violated the Separation of Powers and Take Care Clause of the Constitution. On 1/19/26, the government [appealed](#) the ruling to the First Circuit.
- **LAWSUIT:** On 4/7/25, the American Library Association [filed](#) a similar suit in Washington, DC, and sought a preliminary injunction. At a 4/30/25 hearing, the plaintiff converted the request to a TRO. On 5/1/25, the court issued a [temporary restraining order](#) prohibiting further terminations during the proceedings but did not grant a later request for a preliminary injunction.

Department of Health and Human Services Suspends Notice and Comment Rulemaking (2/28/25)

Summary

Abandons long standing HHS practice allowing for public comment on new rules and regulations

- Releases a [federal notice](#) immediately suspending notice and comment rulemaking for any HHS rules that relate to agency management and personnel, public property, loans, grants, benefits, and contracts.
- Indicates that HHS may also take advantage of current “good cause” exemptions in the Administrative Procedure Act (APA) that allow the agency to avoid notice and comment rulemaking when the agency finds the procedure “impracticable, unnecessary, or contrary to the public interest.”

Analysis

- HHS, and other agencies, have engaged in notice and comment rulemaking for most matters to gather meaningful input from the public before taking certain actions relating to the agency’s administration and the programs it oversees.
- The former general counsel to HHS [believes](#) that this will affect rules relating to the Administration for Children and Families, and the Substance Abuse and Mental Health Services Administration.
- In the past several years, ACF finalized substantial rules that benefited from public input facilitated by the notice and comment process, including rules relating to Head Start, the Child Care & Development Block Grant, and child welfare.

Notes

- HHS was able to do this by rescinding a waiver (known as the Richardson waiver) that had been in place since 1971. Under the Richardson waiver, HHS did not take advantage of a flexibility available in the APA that exempted certain topics from notice and comment rulemaking. Under this new approach, HHS will take full advantage of that APA flexibility.

“Implementing the President’s ‘Department of Government Efficiency’ Cost Efficiency Initiative” EO (2/26/25)

Summary	Analysis
<i>Initiates reviews of every type of federal payment with a priority on education contracts and grants</i> - Creates new requirements for how agencies prepare and approve any payment of federal funds, including submitting “brief written justifications” for every single payment that can be reviewed by the Agency heads. - Orders each agency, within 30 days (i.e., 3/28/25) and in consultation with DOGE, to “review all...contracts and grants and, where appropriate and consistent with applicable law, terminate or modify (including through renegotiation) such covered contracts and grants to reduce overall Federal spending or reallocate spending to promote efficiency and advance the policies of my Administration.” - Prioritizes for that review all of the contracts and grants to “<i>educational institutions</i> and foreign entities” to identify any “waste, fraud, and abuse” (emphasis added). - Orders each agency, within 30 days (i.e., 3/28/25) to also comprehensively review its contracting policies, procedures, and personnel. During this review, the EO directs agencies not to issue or approve new contracts without an Agency head’s approval.	- The increased requirements for processing federal payments, combined with the reductions in staffing, may create frequent delays in payments to funding recipients. - The new requirements could also potentially provide the infrastructure for more frequent interference with implementation of federal education grants/contracts as well as more frequent terminations. - The explicit prioritization of reviewing—and potentially terminating or modifying—grants and contracts to educational institutions (and foreign entities) <i>could</i> be a reference to DOGE’s initial focus on IES (and USAID) and/or it could pave the way for more terminations as part of the 30-day review.

“Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative” EO (2/19/25)

Summary	Analysis
<i>Initiates a government-wide effort to reduce regulations, pull back on enforcement of existing rules, and limit new rulemaking</i> Begins a process to rescind existing regulations by requiring every agency to provide OMB within 60 days (i.e., 4/19/25) a list of regulations that fall into any of seven categories, including “unconstitutional” rules but also those “based on anything other than the best reading of the underlying statutory authority” or ones that “harm the national interest by significantly and unjustifiably impeding technological innovation, infrastructure development, disaster response, inflation reduction, research and development, economic development, energy production,	- Two of the seven categories draw from recent Supreme Court decisions about the power of federal agencies to regulate. Category (iii)’s reference to “best reading” matches the language in the recent <i>Loper Bright</i> decision overturning the <i>Chevron</i> doctrine and its longstanding deference to federal agencies’ interpretation of ambiguous statutory language. Category (iv)’s reference to “significance” likely is invoking the Court’s “major questions” doctrine that constrains what agencies can address via regulation. - There may be significant variation among agencies in terms of how they interpret the seven categories—especially the “best reading” and “harm the national interest” ones—and apply them to agencies’ existing regulations. The EO calls on OMB to issue implementation guidance, which may provide more clarity on these categories.

land use, and foreign policy objectives” (see the full list in the Notes column to the right). • Directs OMB to consult with the agency heads to develop a Unified Regulatory Agenda to “rescind or modify these regulations, as appropriate.” • Announces that agencies should “de-prioritiz[e] actions to enforce regulations that are based on anything other than the best reading of a statute and de-prioritiz[e] actions to enforce regulations that go beyond the powers vested in the Federal Government by the Constitution.” • Directs agencies to—“on a case-by-case basis and as appropriate and consistent with applicable law”— terminate existing enforcement actions if those proceedings “do not comply with the Constitution, laws, or Administration policy.” • Inserts DOGE into any new rulemaking, requiring agencies to consult with the DOGE Team Leads (and OMB) in deciding whether to promulgate any new rules.	• The EO says agencies should “prioritize review” of the type of major rules that are also covered by the Congressional Review Act (CRA), which allows a new Congress to overturn some regulations if they were finalized in the last few months of the prior Congress. ○ But the EO does not mention the CRA in its provision about what OMB and the agencies will do with the lists provided to them. ○ Regarding the CRA’s timing, the Congressional Research Service estimates that Congress could submit resolutions of disapproval by March and take advantage of CRA fast-track procedures to disapprove regulations in May or June. Depending on the speed of OMB’s work implementing this EO, they may be able to identify regulations that are in the CRA window (i.e., those finalized after August 2024) and overturn them with just majority votes in Congress. • With limited resources, agencies always have to make decisions about what enforcement actions to prioritize; however, the inclusion of “Administration policy” alongside the Constitution and laws in the EO suggests enforcement decisions may treat those as equally weighted in making enforcement decisions.
Notes • The seven categories are: (i) unconstitutional regulations and regulations that raise serious constitutional difficulties, such as exceeding the scope of the power vested in the Federal Government by the Constitution; (ii) regulations that are based on unlawful delegations of legislative power; (iii) regulations that are based on anything other than the best reading of the underlying statutory authority or prohibition; (iv) regulations that implicate matters of social, political, or economic significance that are not authorized by clear statutory authority; (v) regulations that impose significant costs upon private parties that are not outweighed by public benefits; (vi) regulations that harm the national interest by significantly and unjustifiably impeding technological innovation, infrastructure development, disaster response, inflation reduction, research and development, economic development, energy production, land use, and foreign policy objectives; and (vii) regulations that impose undue burdens on small business and impede private enterprise and entrepreneurship. • On 4/9/25, President Trump issued a memo that provides additional instructions to federal agencies implementing this EO. The memo directed the evaluation of existing regulations under ten recent Supreme Court decisions, including <i>Loper Bright</i>, <i>SFFA</i>, and <i>Carson v. Makin</i>. Notably, the memo states the deregulation will take place “without notice and comment, where doing so is consistent with the ‘good cause’ exception in the [APA].”	

“Implementing The President’s ‘Department of Government Efficiency’ Workforce Optimization Initiative” EO (2/11/25)**Summary*****Seeks to reduce the federal workforce through replacement ratios, hiring approval, and reductions in force.***

- Requires OMB to submit a plan to reduce the size of the federal government’s workforce, requiring “that each agency hire no more than one employee for every four employees that depart.”
- Places a DOGE Team Lead at the top of each agency’s hiring plans just below the agency lead (e.g., Secretary), with authority to decide which vacancies an agency can fill and to consult on every individual career hire.
- Instructs all agencies to prepare for “large-scale reductions in force, consistent with applicable law,” prioritizing offices not mandated by statute or law, including “all agency diversity, equity, and inclusion initiatives; all agency initiatives, components, or operations that my Administration suspends or closes; and all components and employees performing functions not mandated by statute or other law who are not typically designated as essential during a lapse in appropriations” (i.e., a “government shutdown”).
- Directs agency heads within 30 days to submit a report that, among other things, addresses “whether the agency or any of its subcomponents should be eliminated or consolidated.”
- Exempts “any position [Agency Heads] deem necessary to meet national security, homeland security, or public safety responsibilities.”

Analysis

- Regarding the impact of the reductions in force, each agency varies in the number and percentage of employees designated “essential.” According to a [March 2024 memo](#), 90% of USED employees would have been furloughed during a potential government shutdown, keeping only 10% to perform necessary “exempt” and “excepted” activities. A similar percentage was outlined in a [2023 contingency plan](#). The Administration for Children and Families at HHS would have only been able to retain 40% of its staff, based on [contingency planning](#) conducted by HHS. But running USED and other critical child-serving agencies in normal times and running them during a government shutdown are quite different undertakings. Should USED and ACF be reduced to 10% and 40% capacity, respectively, the agencies will likely be unable to provide support to states and districts and to carry out Congressional mandates.
- Reductions in force could also significantly limit oversight at every agency, including civil rights protections at the USED, technical assistance and oversight operations at HHS for programs relating to early childhood, as well as research activities at IES and NSF.

Notes

- **LAWSUIT:** Labor unions have [sued](#) to challenge this EO. On 3/6/25, 20 states [sued](#) in a Maryland federal court to challenge this EO and block massive RIFs it calls for. On 4/1/25, the court [granted](#) a preliminary injunction against the federal government which the government [appealed](#) to the Fourth Circuit on 4/3/25.
 - On 4/9/25 the Fourth Circuit [stayed](#) the injunction and [directed](#) the district court to dismiss the case, allowing the government to move forward with the EO. On 10/31/25, the district court [did](#) so.
- Multiple agencies, including [USED/IES](#), [HHS](#), [NSF](#), and the [Bureau of Indian Education](#) have carried out mass layoffs of probationary employees. The impact differs across agencies, with NSF reportedly losing 11% of the overall staff.
- On 2/28/25, USED reportedly [offered](#) its staff a \$25,000 “Voluntary Separation Incentive Payment” to leave the agency “in advance of a very significant Reduction in Force.” Staff were given until the end of 3/3/25 to accept the offer.
- **LAWSUIT:** On 2/27/25, a federal judge in California [issued](#) a TRO ordering the Office of Personnel Management (OPM) to rescind its previous directives to more than two dozen agencies to terminate probationary employees. The TRO halts further terminations but does not affect the status of those already terminated. On 9/3/25, the court [ruled](#) against the federal government and for the unions that brought the suit which the government [appealed](#) to the 9th Circuit on 9/16/25.
- **LAWSUIT:** On 3/13/25, two federal judges ordered almost all federal agencies (including USED) to immediately reinstate the fired probationary employees (TRO in

[Maryland](#); preliminary injunction in [California](#)).

- On 3/24/25, the Administration [asked](#) the Supreme Court to intervene in the California case. On 4/8/25 the Supreme Court [overturned](#) the injunction through the emergency docket, allowing the RIFs to proceed while the 9th Circuit litigation moved forward.
- **LAWSUIT:** On 4/28/25, a group of unions, localities, and other entities [filed suit](#) in California seeking an injunction and/or vacatur of RIFs across various agencies. The court has scheduled a TRO hearing on 5/9/25.
 - On 5/22/25, the court issued a [preliminary injunction](#) halting RIFs and reorganizations at 22 federal agencies including OMB, OPM, DOGE (USDS), USDA, Commerce, Energy, HHS, HUD, Interior, Labor, State, Treasury, Transportation, VA, AmeriCorps, Peace Corps, EPA, GSA, NLRB, NSF, SBA, and SSA. The injunction halts these actions while the lawsuit proceeds; the Administration has appealed the ruling to the Ninth Circuit Court of Appeals.
 - On 6/2/25 the 9th Circuit Court of Appeals denied the Administration’s request for a stay, leaving the injunction in place while the district court hears the full case. However, on 7/8/25, the Supreme Court [granted](#) the stay and returned the case to the lower court.

[“Restoring Accountability to Policy-Influencing Positions within the Federal Workforce”](#) EO (1/20/25)

Summary

Reinstates and amends the prior Trump EO establishing a new classification of federal employees involved in policy-influencing roles to make them at-will employees (previously “Schedule F”).

- Moves civil servants in policy-influencing roles (i.e., those that are “confidential, policy-determining, policy-making, or policy-advocating [in] character”) to the excepted services under the new schedule “Policy/Career.” This removes certain civil service protections and makes it easier to hire and remove individuals from these roles.
- States, as a basis for the EO, that “there have been numerous and well-documented cases of career federal employees resisting and undermining the policies and directives of their executive leadership.”
- Instructs the heads of federal agencies to conduct a full review of all positions within 210 days (i.e., 8/18/25) and determine which positions should be reclassified under this new schedule.

Analysis

- The EO could significantly affect employees at federal agencies, including USED, by altering the employment status of “policy-influencing” career employees. Conversion to this new schedule will subject them to at-will employment, which may lead to increased turnover that would impact the sustainability, efficacy, and operations of federal programs.
- Substantively, the career employees likely affected by this EO often play a critical role in ensuring agencies implement laws consistent with how they are written, acting as impartial “referees.” Replacing them or making them more subject to political pressure could have significant implications for agency hiring, implementation, rulemaking, etc.
- The EO gives each agency head broad authority to make determinations about which employees should be covered by this new schedule.

Notes

- **LAWSUIT:** The National Treasury Employees Union—representing federal workers at 37 federal agencies—filed a [lawsuit](#) seeking to reverse the EO. On 6/27/25, the court [paused](#) the litigation ahead of a final rule.
 - At least three other parallel lawsuits have been filed challenging this EO.
- On 4/23/25, the Office of Personnel Management began [formal rule-making](#) to implement this EO. Public comment was due by 5/22/25.

- On 2/5/26, the Office of Personnel Management (OPM) [published](#) a [final rule](#) creating “Schedule Policy/Career” as a new classification of federal career civil service positions. Positions in this schedule will have fewer employment protections, codifying the above executive order. (See our 2/19/26 [Alert](#) for further analysis.)
 - **LAWSUIT:** On 3/4/26, a group of unions filed an amended complaint in their [lawsuit](#) challenging the change on the basis that the government acted beyond its scope (ultra vires) and violated the Administrative Procedures Act and the constitutional right to due process.

[“Restoring Accountability for Career Senior Executives”](#) EO (1/20/25)

Summary	Analysis
<i>Creates more accountability for senior executive service officials.</i> • Seeks to provide greater oversight and transparency into the performance and conduct of Senior Executive Service (SES) officials through certain actions. • Requires the Office of Personnel Management (OPM) to create SES performance plans within 30 days (i.e. 2/20/25) that agencies must adopt. • Directs agency heads to “reassign agency SES members to ensure their knowledge, skills, abilities, and mission assignments are optimally aligned to implement my agenda.” • Notes that those “who engage in unauthorized disclosure of Executive Branch deliberations, violate...constitutional rights..., refuse to implement policy priorities, or perform their duties inefficiently or negligently should be held accountable.” • Underscores that agency heads should take action, including removal, against SES officials whose performance does not align with the principles outlined in the EO or their statutory duties.	• The EO’s statement that SES employees should be reassigned to ensure alignment with the Administration’s agenda may mean that certain officials would be moved from their current position if there are perceived obstacles. It also may function to intimidate career officials, whose role in our nonpartisan civil service includes <i>not</i> acting in accordance with executive pressure when that contradicts federal law.

[“Reforming the Federal Hiring Process and Restoring Merit to Government Service”](#) EO (1/20/25)

Summary	Analysis
<i>Overhauls federal hiring practices to purportedly prioritize merit.</i> • Criticizes procedures as “broken, insular, and outdated,” asserting they no longer emphasize “merit, practical skill, and dedication to the Constitution.” • References specific factors in hiring that may indicate a “commitment to illegal racial discrimination under the guise of ‘equity’” and the “invented concept of ‘gender identity.’” • Mandates the development of a Federal Hiring Plan by 120 days (i.e., 5/20/25), crafted by several offices including the new United States DOGE Service (USDS).	• Coupled with the actions to remove civil service protections from career federal employees and end all remote work, this EO could create a roadmap for the streamlining of government operations and reducing the overall size of the federal workforce. This could, in turn, reduce the frequency and/or quality of services provided by federal agencies to learners in early childhood settings, K-12 schools, and institutions of higher education. It may also hinder agencies’ ability to conduct

The Plan would reduce the government-wide time to hire to under 80 days, and “prevent the hiring of individuals based on their race, sex, or religion, and prevent the hiring of individuals who are unwilling to defend the Constitution or to faithfully serve the Executive Branch.”	meaningful oversight of federal programs or to provide technical assistance to grantees. Reducing the time for hiring to 80 days could help quickly refill the ranks in government offices that experience attrition or high vacancies owing to eliminations carried out by the Administration.
Notes - President Trump also issued an EO requiring agency heads to take all appropriate steps to have federal employees return to in-person work full time. This may drive staff attrition at some agencies. - President Trump also issued an EO establishing a hiring freeze and requiring the head of the Office of Management and Budget to establish a plan to reduce the size of the federal government.	

“Establishing and Implementing the President’s ‘Department of Government Efficiency’ EO (1/20/2025)”	
Summary	Analysis
<i>Establishes the United States DOGE Service (USDS) as a temporary organization within the Executive Office of the President, replacing the existing United States Digital Service.</i> - Establishes the role of a USDS Administrator who will begin an effort to “improve the quality and efficiency of government-wide software, network infrastructure, and information technology (IT) systems.” - Charges the USDS Administrator to work with other federal agencies to promote interoperability between agency networks and systems, ensure data integrity, and facilitate responsible data collection and synchronization.	While the focus of this EO is on IT efficiency and data interoperability, it also references President Trump’s “DOGE agenda,” which likely maintains DOGE’s role – as widely reported prior to the Inauguration – in seeking to recommend substantial cuts to the federal budget. Although USED is a relatively small federal agency, this EO could be part of a larger effort to shrink or even dismantle USED.
Notes LAWSUIT: At least 18 lawsuits have been filed to challenge this EO and various actions taken by the DOGE team across multiple agencies. One suit by the University of California Student Association is challenging DOGE access to USED data systems, including federal student aid; on 2/17/25 the judge denied the motion for a temporary restraining order, finding that mere “access” to data does not cause irreparable harm. That lawsuit was dismissed on 4/16/25. LAWSUIT: The AFT and four other unions filed a similar suit in Maryland. On 2/24/25, the court issued a temporary restraining order preventing USED and OPM from sharing the plaintiffs’ personal information with DOGE (finding likely violations of the Privacy Act and the APA). - On 3/24/25, the court replaced the TRO with a preliminary injunction that will be in place throughout the remainder of the lawsuit, protecting the plaintiffs’ (and their members’) personal information, which the government appealed. On 4/1/25, the 4th Circuit granted a stay on the preliminary injunction pending appeal. On 8/12/25, the 4th Circuit overturned the district court’s order and returned the case to the lower court for further proceedings. - As of 11/24/25, OMB confirmed that DOGE has been disbanded and any remaining staff and functions were absorbed into OMB.	

TOPIC 6: OTHER ACTIONS AFFECTING CHILDREN, STUDENTS & FAMILIES

[“Urgent National Action to Save College Sports”](#) EO (4/3/26)

Summary	Analysis
<i>Aims to dramatically change college athletics practices through pressure on private entities and leveraging the monitoring and enforcement powers of the federal government.</i> • Calls on interstate intercollegiate athletic governing bodies for higher education institutions (such as the NCAA) to impose new transfer restrictions, eligibility caps, and “Name, Image, Likeness” (NIL) rules by 8/1/26. • Directs OMB, USED, and the FTC to administer data collection and enforcement of the above directives. • Directs the Attorney General to challenge state laws that conflict with existing NCAA and College Sports Commission requirements that may burden interstate commerce or interfere with interparty contracts.	• Many of the EO’s provisions reiterate existing requirements under the Equity in Athletics Disclosure Act and other federal laws, seek to codify practices outlined in legislation that has previously stalled in Congress, and may conflict with recent legal developments. • For instance, in 2024 the NCAA resolved an antitrust lawsuit alleging that the NCAA’s transfer eligibility rule, penalizing student athletes that transfer multiple times, was an “illegal agreement to restrain and suppress competition.” This EO directs the NCAA to reinstate that rule. • Of note, on 2/12/25 OCR rescinded Title IX NIL guidance issued by the Biden Administration on 1/16/25. The new EO does not address gender equity concerns.

[“Improving Oversight of Federal Grantmaking”](#) EO (8/7/25)

Summary	Analysis
<i>Directs every federal agency act within the next 30 days to significantly change the federal grantmaking process.</i> These changes include directing: • A senior political appointee in each agency to assume a significant role in the agency’s grantmaking, including among other things “to review discretionary grants to ensure they are consistent with agency priorities and the national interest.” • Appointees conducting grant reviews to “use their independent judgement” instead of “defer[ring] to the recommendations of others” including any peer review panels, which the	• The EO aims to “strengthen oversight and coordination of, and to streamline, agency grantmaking” to improve efficiency and, among other concerns, end the use of federal funds for “propagating absurd ideologies.” • The EO increases not just political oversight but also political influence, reversing decades of efforts to insulate many federal grants from political influence. The EO’s policy changes are designed to address issues that, according to the EO, are commonplace in federal grantmaking including funding “far-left

EO insists must “remain advisory” and not be “routinely deferred to.” This section also refers back to 5/23/25 EO on “Restoring Gold Standard Science”. • Grant terms and conditions to align with the EO, with a particular focus on ensuring federal discretionary grant agreements allow for “immediate termination for convenience, or clarify that such termination is permitted, including if the award no longer advances agency priorities or the national interest.” • An audit of the degree to which agencies’ existing terms, applicable regulations, and current portfolio of awards align with the EO’s approach to grant terminations. Agencies are also ordered to revise the terms of existing grants wherever possible.	initiatives” and concerns about the efficacy and efficiency of government-funded research. • The provisions increasing the role for political appointees (and decreasing the role of peer review panels) and making federal grants subject to termination for convenience could dramatically undermine the quality and stability of research and development and the independence and academic freedom of research institutions.
Notes • On 10/1/25, HHS released a new Grants Policy Statement which includes new language clarifying that grants can be terminated “if an award no longer effectuates...agency priorities,” and only specifies appeals rights for grants terminated for non-compliance. The policy also adds “agency priorities” to the list of factors used to make decisions about continuation funding for grants, replacing the “best interests of the federal government” factor listed previously. • On 12/31/25 the U.S. Department of Agriculture (USDA) issued a memorandum aiming to establish a standardized set of general terms and conditions across all grants and cooperative agreements administered by USDA that, among other things, would prohibit the use of funds to promote “DEI.” ○ On 3/28/26, 21 state Attorneys General sued to challenged the memo, alleging that USDA grant recipients and parties to cooperative work agreements, including land grant universities and researchers, have begun receiving documents from USDA implementing these changes. They requested a preliminary injunction to prevent USDA from further action, but on 4/23/26, a federal judge scheduled a hearing in June.	

“Establishment of the Religious Liberty Commission” EO (5/2/25)	
Summary	Analysis
<i>Creates a commission to advise the White House Faith Office and the Domestic Policy Council on religious liberty policies</i> • Tasks the newly-formed Commission with, among other responsibilities, producing a report on the history and contemporary threats to domestic religious liberty and recommended strategies for addressing concerns. • Includes in the topics of the report the following education items: “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.”	• While the EO does not specifically address education, nearly half of the topics assigned to the Commission build on long held conservative education priorities (including school choice and religious expression in public schools) and newer causes (like vouchers for religious education and vaccine exemptions). • 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.”

Notes

- On 5/17/25, USED [dismissed](#) a \$37.7 million fine against Grand Canyon University (GCU), the largest Christian school in the country, after GCU presented during the Religious Liberty Commission's first meeting. USED levied the fine in 2023 after finding that the school misrepresented the cost of its postgraduate programs to prospective students. The university claimed it was "unjustly targeted" because of its religious affiliation.
- On 9/8/25, the Religious Liberty Commission's second meeting included presidential remarks and an announcement of forthcoming guidance around religious expression in public schools (updating [guidance](#) issued under the Biden Administration). Other speakers highlighted the Administration's efforts to expand school vouchers, investigations of alleged antisemitism in K-12 and higher education institutions, and religious objections to COVID protocols and LGBTQ+ affirming curriculum content and school policies. The same day, the White House [announced](#) the "America Prays" initiative ahead of the 250th anniversary of the nation's founding.
- On 3/16/26, the sixth meeting of Commission focused on healthcare including testimony by parents and students against vaccine requirements in public education. One New York family said that their student was "barred from school for almost seven years because of the vaccine mandate." On 12/8/25, the Supreme Court [overturned](#) a Second Circuit Court of Appeals decision upholding a New York State law ending religious exemptions to vaccine requirements and directed the lower court to reconsider the case in light of *Mahmoud v. Taylor*.
- On 4/30/26, the multi-agency Task Force to Eradicate Anti-Christian Bias [published](#) a [report](#) of findings and recommendations, as required by President Trump's "[Eradicating Anti-Christian Bias](#)" Executive Order.

["Advancing Artificial Intelligence Education for American Youth" EO \(4/23/25\)](#)

Summary	Analysis
<i>Prioritizes "appropriate integration" of AI in K-12 education through multiple initiatives, policy shifts, and partnerships to help students and teachers achieve "AI literacy and proficiency" and to develop an "AI-ready workforce"</i> - Establishes a White House Task Force on Artificial Intelligence Education chaired by the Director of the Office of Science and Technology Policy and including the Secretaries of Agriculture, Labor, Energy and Education; the Director of the NSF, and the Special Advisor for AI & Crypto. - Charges the Task Force with implementing the EO including, among other things, establishing public-private partnerships to develop resources "focused on teaching K-12 students foundational AI literacy and critical thinking skills," and better connecting SEAs and LEAs to existing federal funding to help advance AI integration. - Establishes a "Presidential Artificial Intelligence Challenge" competition to "encourage and highlight student and educator achievements in AI, promote wide adoption of technological advancement, and foster collaboration between government, academia, philanthropy, and industry to address national challenges with AI solutions." - Requires USED, within 90 days (i.e., 7/22/25), to issue guidance on the use of existing formula and discretionary grant funds for AI in education, "including but not limited to AI-based high-quality	- The EO establishes AI as a K-12 education priority for the Administration, centering AI literacy and "competency" as a foundational skill across subjects, though the EO does not propose new investments for this purpose. - There is a potential tension between this new federal education priority and the Administration's other efforts to reduce the federal role in education, including likely efforts to reduce or eliminate the same federal teaching training programs that the EO identifies as key means for advancing the EO's goals. - The EO does not include definitions of key terms such as AI "literacy," "competency," and "proficiency." - Across all sections, the EO relies on existing funding or programs, many of which have also been targeted for cuts or elimination. - The EO includes notable specificity regarding implementation. For example, resources developed via new public-private

instructional resources; high-impact tutoring; and college and career pathway exploration,” and to take action to leverage existing R&D programs to help advance AI integration.

- Requires USED, NSF, and USDA, within 120 days (i.e., 8/21/25), to enhance teacher training on the use of AI in education, including via discretionary grant programs and research programs.
- Requires DOL to prioritize Registered Apprenticeships in AI-related occupations, encourage states to use Workforce Innovation and Opportunity Act funding to develop AI skills and related work-based learning, and collaborate with USED and NSF to promote high-quality AI courses and certifications.

partnerships must be “ready for use in K-12 instruction” within 180 days (i.e. 10/20/25) of the announcement of such partnerships.

Notes

- On 7/22/25, Sec. McMahon added “[Advancing Artificial Intelligence in Education](#)” to her [original list](#) of three **secretarial priorities**. The new priority calls for integrating AI into teaching—including for personalization and differentiated instruction, expanding AI and computer science education, and supporting professional development for teachers on using AI in the classroom. USED also [issued](#) a **Dear Colleague Letter** to grantees and future grantees highlighting the allowable uses of existing federal education formula and discretionary grant funds to support AI in education.
- On 7/23/25, the Administration [released](#) “**Winning the AI Race: America’s AI Action Plan**.” The plan, which was called for in the [1/23/25 EO](#), “Removing Barriers to American Leadership in AI,” identifies more than 90 federal policy recommendations and actions across three “pillars:” Accelerating Innovation, Building American AI Infrastructure, and Leading in International Diplomacy and Security. The plan includes directives to:
 - Prioritize AI skill development as a “core objective” of relevant education and workforce funding streams at USED, DOL, and other agencies.
 - Ensure USED, DOL, and other agencies partner with state and local governments and workforce systems to support the creation of industry-driven training programs, apprenticeships, and early career programs that prioritize AI infrastructure occupations.
 - Require USED to develop guidance to state and local career and technical education systems to ensure AI infrastructure occupations are prioritized.
- On 8/22/25, the National Science Foundation (NSF) announced two new supplemental funding proposals to current NSF awardees to support the expansion of K-12 resources for AI education and a new funding opportunity to advance STEM teaching and learning in K-12 by “leveraging AI and emerging technologies.”
 - [Expanding K-12 Resources for AI Education](#) invites existing NSF awardees with K-12 AI or computer science education experience to submit funding proposals to “refine, scale, and/or implement established K-12 AI-related activities” that address “age-appropriate AI education/literacy, and/or the use of technologies in AI education.” The maximum grant award is \$300,000 and requests are due 12/1/25.
 - [Expanding AI Career and Skilled Technical Workforce Opportunities in Support of High School Students](#) aims to increase early access to high-quality AI learning opportunities for high school students, including AI courses, certification, or dual enrollment programs focusing on AI and workforce development. Funding requests may not exceed 20% of the original award and are due by December 15th.
 - The [new funding opportunity through the NSF STEM K-12 program](#) will support research to help advance STEM teaching and learning using AI to “build knowledge, create tools and strengthen the U.S. STEM education and workforce.”
- On 2/13/26, DOL [announced](#) the publication of a [framework for AI literacy](#), providing nonbinding guidance to promote and expand AI literacy efforts across workforce and education systems.
- **!! NEW:** On 4/13/2026, USED released one [final priority and related definitions](#) around projects that advance AI in education for use in any current and future discretionary grant programs. (See our 4/1/5/26 [Alert](#) for additional information.)

[“Preparing Americans for High-Paying Skilled Trade Jobs of the Future” EO \(4/23/25\)](#)

Summary	Analysis
<i>Initiates an effort to improve workforce development programs with priorities for aligning to “in-demand” skills and occupations, Registered Apprenticeships, and outcomes transparency.</i> - Establishes U.S. policy “to optimize and target Federal investments in workforce development to align with our country’s reindustrialization needs and equip American workers to fill the growing demand for skilled trades and other occupations.” The EO further establishes a policy to “protect and strengthen Registered Apprenticeships.” - Requires from USED, DOL, and Commerce a comprehensive workforce development strategy, within 90 days (i.e., 7/22/25), that must identify: - Opportunities for reforming and consolidating programs to improve integration, alignment to the modern economy, and program quality; - Proposals to improve or eliminate ineffective programs; - Statutory authorities to promote innovation and system integration; - Ways to “upskill[] incumbent workers to meet rapidly evolving skill demands” including the use of AI; - Plans to identify more “alternative credentials and assessments to the 4-year college degree”; and - Ways to streamline data collection. - Requires USED, DOL, and Commerce to submit a plan within 120 days (i.e., 8/21/25) to surpass one million new active Registered Apprentices, including ways to expand this workforce model to new sectors, improve and scale it, and better connect it to K-12 CTE programming. - Requires USED, DOL, and Commerce to improve outcomes transparency including on the performance outcomes of workforce development programs and credentials supported through federal investments, including earnings and employment data.	- Strengthening the workforce development system has generally enjoyed broad support, including a bipartisan bill that has made some progress in Congress and supportive questions and answers during confirmation hearings for the Secretaries of Education and Labor. - The EO’s emphasis on Registered Apprenticeships for new industries and occupations represents a shift from the first Trump Administration. - The EO reinforces GOP support for alternative credentials aligned to the needs of employers rather than a pathway to a 4-year college degree, including upskilling workers to succeed in the use of AI in the workplace.

[“Transparency Regarding Foreign Influence at American Universities” EO \(4/23/25\)](#)

Summary	Analysis
<i>Establishes as a priority stronger enforcement of the HEA requirement that institutions of higher education disclose significant sources of foreign funding.</i> - Directs USED to take several actions, including: - Undoing related actions by the Biden Administration,	Section 117 of HEA “establishes foreign gift and contract reporting requirements for certain domestic public and private institutions that: (1) offer a bachelor’s degree or higher (or offer a transfer program of at least two years), (2) are accredited by a nationally recognized accrediting agency, and (3) receive federal financial assistance. IHEs must report all foreign gifts and contracts that alone, or in

○ Requiring more specific details from IHEs about foreign funding (including the “true source and purpose of the funds”), ○ Providing the public with more access to the disclosed information, and ○ Working with other agencies to conduct audits and investigations that may also lead to referrals to DOJ for enforcement. ● Requires USED and other agencies to ensure that IHEs certify their compliance with HEA’s foreign funding disclosure requirements as a “material condition” under the False Claims Act and/or for purposes of potentially rescinding federal funding from the IHE.	combination with all others from the foreign source, total \$250,000 or more in a calendar year.” ● There has been some bipartisan support in the House for expanding oversight and disclosure requirements related to foreign sources of funding and IHEs. On 3/27/25, the House passed H.R. 1048 (the DETERRENT ACT) by a bipartisan vote of 241-169, with 31 Democratic members joining all but one Republicans. ● The EO’s elevation of potential liability under the False Claims Act parallels USED’s recent request that SEAs and LEAs submit a “DEI” certification (since enjoined by federal courts). This and other threats to federal funding are part of an ongoing effort to pressure certain IHEs to change policies and practices disfavored by the Administration.
Notes ● On 4/18/25, the week before this EO was issued, USED requested records from Harvard University related to this same disclosure requirement; the request included a federal funding threat for noncompliance: “Noncompliance risks [DOJ] enforcement, including civil actions, or loss of federal funding eligibility.” ● On 4/25/25, USED announced that it has initiated a “Notice of Investigation and Records Request” to the University of California, Berkeley. USED took this formal step following earlier exchanges with the university, alleging Berkeley has a “fundamental misunderstanding regarding its Section 117 reporting obligations.” ● On 5/8/25, USED announced a similar Section 117 investigation into the University of Pennsylvania. ● On 7/15/25, USED announced a Section 117 investigation into the University of Michigan noting recent reports of “‘potential agroterrorism’ by Chinese nationals affiliated with UM” as a primary cause. ● On 12/1/25, FSA announced the creation of a new portal for schools to file foreign gift and contract disclosure reports required under Sec. 117 with USED. The portal is scheduled to go live on 1/2/26.	

“Establishing the President’s Make America Healthy Again Commission” EO (2/13/25)	
Summary	Analysis
<i>Creates new commission to address childhood disease</i> ● Establishes the President’s Make America Healthy Again Commission, chaired by the Secretary of HHS and includes the Secretary of USED and other agency heads. ● Instructs the Commission within 100 days to submit an assessment on childhood chronic disease, including efforts to “assess the threat that potential over-utilization of medication, certain food ingredients, certain chemicals, and certain other exposures pose to children with respect to chronic inflammation or other established mechanisms of disease,” as well as identifying best practices for preventing childhood health issues, and evaluating the effectiveness of current Federal Government childhood health data and metrics, among other information.	● The Commission is chaired by the Secretary of HHS, but includes other federal agencies, such as the Department of Agriculture (AG). The inclusion of AG may lead to recommendations associated with child nutrition, including potential changes to the Supplemental Nutrition Assistance Program (SNAP) and the special supplemental nutrition program for Women, Infants, and Children (WIC).

- Charges the Commission to develop corresponding government-wide policies and strategies. - Requires within 100 days (i.e., 5/24/25) an assessment by the Commission that includes a report on best practices with respect to childhood health. - Requires within 180 days (i.e., 8/12/25) a strategy by the Commission that includes “adding powerful new solutions that will end childhood chronic disease.”	
Notes On 2/18/25, Sec. Kennedy said during public remarks that the commission would investigate the use of vaccinations to see if they contribute to the rise of chronic illness.	

“Keeping Education Accessible and Ending COVID-19 Vaccine Mandates in Schools” EO (2/15/2025)	
Summary	Analysis
<i>Seeks to prevent federal funds from supporting schools and institutions of higher education that require students to receive COVID-19 vaccine for in-person education programs.</i> - Directs the Secretary of Education to issue guidelines to K-12 and higher ed institutions “regarding those entities’ legal obligations with respect to parental authority, religious freedom, disability accommodations, and equal protection under law, as relevant to coercive COVID-19 school mandates.” - Requires USED and HHS within 90 days to develop a plan to end COVID-19 school mandates, consistent with applicable law. The plan shall include a process for rescinding funds from non-compliant entities as well as legislative proposals.	- Reporting suggests that there are relatively very few K-12 systems or higher education institutions that still have COVID-19 vaccine mandates: - No states mandate this vaccine in K-12, and several states have already banned such a mandate. - According to one advocacy group, only 15 institutions of higher education have a COVID-19 vaccine mandate as of 2/15/25. - The EO does not establish a timeline for compliance. - Both the EO and the fact sheet released with it include mentions of government overreach and parental rights.

!! NEW: Other Notable Executive Actions
<i>The following are other executive actions that are worth including in this document but that do not neatly fit under any of the above tables.</i> HHS Rules and Guidance Related to Childcare On 1/5/26, the Administration for Children and Families (ACF) published a new Notice of Proposed Rulemaking that would rescind several requirements from the March 2024 final rule for the Child Care & Development Fund. Proposed changes include removing requirements for states to provide some portion of direct child care services via grants or contracts for children in underserved areas, infants and toddlers, and children with disabilities. Comments are due by 2/4/26. (See our Deep Dive for more information.)

- **!! NEW:** On 5/11/26, ACF [announced](#) three new pieces of guidance that address state flexibility in the Child Care and Development Fund (CCDF) and the Temporary Assistance for Needy Families (TANF) programs. For CCDF, HHS issued a [Dear Colleague Letter](#) encouraging states to maximize opportunities for faith-based; license exempt; and family, friend, and neighbor providers to engage in the child care subsidy program. For TANF, HHS issued a [memorandum](#) encouraging states to transfer TANF funds to CCDF and to use TANF to support married, two-parent families with an at-home caregiver. Finally, a separate [letter to governors](#) highlights both new pieces of guidance and encourages parent choice in child care, support for two-parent families, and at-home caregiver parents.
- **!! NEW:** On 5/12/26, HHS [published](#) a proposed rule that would rescind requirements on wages and benefits for Head Start staff that were added to the Head Start standards in 2024, including paying Head Start educators at a rate commensurate with teachers in public schools; paying all staff a wage that covers basic necessities; creating a wage scale; removing disparities between preschool and infant/toddler teachers; and offering benefits such as health insurance and paid time off. HHS is accepting [comments](#) on the proposed changes until 6/11/26. (See [Deep Dive: Unpacking the Head Start Notice of Proposed Rule Making to Remove Compensation Requirements](#) for more information.)
- **!! NEW:** On 5/12/26, HHS [published](#) a final rule removing four requirements for states in the CCDF. Under the final rule states are no longer required to limit family co-payments to no more than 7% of household income; pay child care providers at the beginning of the service period; pay child care providers based on a child's enrollment in the program; and use grants and contracts to expand the supply of child care for children in underserved areas as well as infants and toddlers and children with disabilities. The changes go into effect on 7/13/26. (See [DEEP DIVE: Unpacking the Child Care and Development Fund Notice of Proposed Rule Making](#) (Updated) for more information.)
- **!! NEW:** On 5/22/26, HHS sent a new [proposed rule](#) to OMB for review titled, "Modernize the Head Start Program by Reducing Requirements and Enhancing Alignment with State and Local Systems." The rule is expected to be consistent with the budget justification submitted to Congress along with the President's FY27 budget request, where the Administration for Children and Families [indicated](#) forthcoming reforms to Head Start standards, including "licensing and monitoring standards, health and safety requirements, child-to-staff ratios, and definitions of quality."

Enforcement Actions

- On 2/24/26, DOJ [announced](#) its [finding](#) that the Special School District of St. Louis County (SSD) violated Title II of the Americans with Disabilities Act (ADA) by routinely and improperly using seclusion and restraint against students with disabilities. The parties are negotiating a potential agreement.
- On 2/11/26, the DOJ [announced](#) an agreement with the state of Alabama resolving allegations that the state violated Title II of the Americans with Disabilities Act in how it educates students with disabilities in foster care, particularly those in psychiatric residential treatment facilities. In 2022, DOJ [found](#) that Alabama's system resulted in unlawful segregation and unequal educational opportunities.

Additional Agency Regulations & Guidance

- On 12/29/25, USED released [draft regulatory proposals](#) for higher education accountability and transparency. The proposed regulations would implement the minimum earnings requirements of the One Big Beautiful Bill Act (OBBBA), modify the existing Financial Value Transparency (FVT) regulations (now renamed to Student Tuition and Transparency System or STATS), and significantly revise the existing Gainful Employment (GE) regulations. USED negotiated the details of these regulatory proposals during the week of 1/5/26.
 - **!! NEW:** On 4/17/26, USED [announced](#) for public comment its [Notice of Proposed Rulemaking](#) (NPRM) implementing the "Do No Harm" accountability provisions and modifying existing regulations for Gainful Employment (GE) and the Student Tuition and Transparency System (STATS). (See our 4/20/26 [Alert](#) for analysis.) USED will [accept comments](#) until 5/20/26 and will publish final regulations likely before 7/1/26.

- On 2/9/26, USED issued a [Dear Colleague Letter](#) (DCL) highlighting opportunities for states and districts to use Title II, Part A funds to support strategic staffing models, which emphasize team-based approaches to school staffing.
- On 2/5/26, USED released updated [guidance](#) about constitutionally protected prayer and religious expression in public schools. In contrast to past versions, most recently updated in [2023](#), the new guidance expands its focus to address broader constitutional principles around religious expression, with illustrations related to the role of parents' rights in directing their child's public school education, student religious expression in assignments, speech in the classroom and at school-sponsored events, and more.
- **!! NEW:** On 6/3/26, the Administration released an [interim final rule](#) (IFC) outlining how states will implement Medicaid work reporting requirements under the One Big Beautiful Bill Act (H.R. 1). The IFC specifies the requirements and expectations for states, including specifying the Medicaid applicants and beneficiaries who must demonstrate work and community engagement as a condition of their eligibility, the types of qualifying activities that satisfy these requirements, and the criteria to meet an exception from these requirements.
- **!! NEW:** On 5/13/26, USED [announced](#) a new \$144 million investment to help states expand services and interventions for students with disabilities through the IDEA. The funding will support any allowable uses for IDEA Part B programs for children and youth ages 3–21 and IDEA Part C early intervention services for infants and toddlers with disabilities and their families. USED also issued [guidance](#) to clarify that, because of new language in the FY26 appropriations law, states may use FY26 IDEA Part C funds to support infants, toddlers, and any “individual who is expected to become a parent of an infant with a disability.”