

EducationCounsel Alert for March 28, 2025

This EducationCounsel Alert both (i) shares a new “Deep Dive” about the continuing resolution governing the remainder of Fiscal Year (FY) 2025 and its potential impacts on education funding and (ii) provides updates about various Trump Administration executive actions relevant to education. You can click on items in this table of contents to jump directly to a particular update.

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Information about these and many other developments can be found in our ongoing [Executive Actions Chart](#), and you can access all of our related resources at <https://tinyurl.com/EdCounselResources>. For an even more comprehensive update across all three branches of the federal government, check out our biweekly [E-Updates](#).

1) DEEP DIVE: *How the Fiscal Year 2025 Long-term Continuing Resolution May Impact Federal Funding for the U.S. Department of Education*

In [this new Deep Dive](#), Jennifer Castagna unpacks the long-term Continuing Resolution (CR) [enacted](#) on 3/15/25 that provides annual, discretionary federal funding through the remainder of FY2025. In particular, she explains how the Trump Administration may seek to use flexibility in the CR to adjust federal funding for some specific U.S. Department of Education (USED) programs for the remainder of FY2025 *without congressional input*.

2) Department of Health and Human Services Reduction in Force and Reorganization

On 3/27/25, the Department of Health and Human Services (HHS) [announced](#) a reduction in force (RIF) alongside an organizational restructuring that, when added to prior terminations, will result in a near 25% reduction in the agency’s workforce, including cutting regional offices in half from ten to five. It appears there will be relatively less impact on the Administration for Children and Families (ACF), which oversees major early care and education investments, including the Child Care & Development Block Grant and Head Start programs, than other parts of HHS. ACF will instead absorb some of the functions that currently exist at the Administration for Community Living (ACL). But ACF recently faced significant staff reductions through the termination of “probationary” employees who had recently been hired or promoted. (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.)

In terms of the RIF's impact on other interests relevant to early childhood, the Substance Abuse and Mental Health Services Administration (SAMHSA), which holds the infant and early childhood mental health grants, is being consolidated into a larger structure called the Administration for a Healthy America (AHA). The new AHA will also absorb the Health Resources and Services Administration, which administers the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) program.

3) States Seek Waivers under the Every Student Succeeds Act (ESSA)

[Multiple reports](#) indicate that at least two states, Iowa and Oklahoma, have submitted requests to the U.S. Department of Education (USED) seeking broad waivers of various ESSA requirements. The reporting and statements by the [Iowa governor](#) and the [Oklahoma state superintendent](#) suggest that, among other changes, both states want to convert their ESSA funds into some version of what's known as a "block grant" or a lump sum the states can then allocate in ways that *may* conflict with the law.

For a comprehensive primer on ESSA waivers and what the Secretary can and cannot waive, please see [this new resource](#) by All4Ed and Education First. On page 4 and discussed in more detail on pages 8-13 is a list of what Congress explicitly excluded from the Secretary's waiver authority, including "the allocation or distribution of funds to States, local educational agencies, Indian tribes, or other recipients of funds under this Act." ESSA § 8401. We will continue to track and update the field about these requests and USED Secretary Linda McMahon's response to them.

4) DOJ and HHS Investigate Admissions in California Universities

On 3/27/25, Attorney General Pam Bondi [initiated](#) a Department of Justice (DOJ) compliance review investigation into whether admissions policies at four California universities—Stanford University; University of California, Berkeley; University of California, Los Angeles; and University of California, Irvine—comply with the Supreme Court's decision in *Students for Fair Admissions Inc. v. President & Fellow of Harvard College*. The announcement focuses on whether the admissions offices are "using DEI discrimination" while assessing applications. On the same day, HHS's Office of Civil Rights [announced](#) a similar investigation into an unnamed medical school in California.

5) Professors Sue Over the Termination of \$400M in Columbia University's Federal Funding

On 3/25/25, the American Association of University Professors (AAUP) and the American Federation of Teachers (AFT), representing Columbia University professors, [filed](#) a lawsuit in a New York federal court to challenge the recent termination of \$400M in federal funding stemming from an investigation into the university's response to alleged antisemitism on campus. The professors are also objecting to a series of changes Columbia reportedly agreed to as "pre-conditions" that allow for further negotiations with the Administration over the university's remaining \$5B in federal funding. (The multi-agency task force leading the investigation [characterized](#) Columbia's compliance with the pre-conditions as a "first step.")

6) USED Revokes Waivers Allowing for Services for Undocumented College Students

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.

7) Two Lawsuits Filed Over Efforts to Eliminate USED

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, including the 3/20/25 [Executive Order](#) directing Secretary McMahon to "take all necessary steps to facilitate the closure of [USED]." A similar suit was [filed](#) the same day in Maryland by NAACP, NEA, and others.

Note that the suits join two earlier challenges to the massive reduction in force (RIF) at USED. This week, USED began placing affected employees on paid administrative leave; meanwhile, plaintiffs in one of the lawsuits [moved](#) for a preliminary injunction to halt the RIF before the employees are terminated.

8) OCR Expands Title IX Investigations to K-12 and Beyond Athletics

Over the past few weeks, OCR has expanded its Title IX investigations in two ways from its initial primary focus on transgender women's participation in intercollegiate women's sports. Investigations in at least [Maine](#), [Illinois](#), and [Oregon](#) are directed at K-12 school districts and include not just athletic participation rules but also access to facilities such as locker rooms and bathrooms that align with students' gender identities. (OCR's investigation into Maine has already progressed to an OCR letter with a finding of noncompliance and potential referral to the Department of Justice.)

9) USED Investigates California and Maine under FERPA for Gender Identity Policies

On 3/27/25, USED's Student Privacy Policy Office (SPPO) [initiated](#) an investigation into the California Department of Education (CDE) for alleged violations of the Family Educational Rights Privacy Act (FERPA). The investigation focuses on whether 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 3/28/25, SPPO [announced](#) a similar investigation into the Maine Department of Education regarding Maine school districts' policies regarding related issues.

DISCLAIMER: Consistent with our mission, EducationCounsel is working to update and support the field as federal actions consequential to education are unfolding. The information provided above does not serve as legal counsel and, given the pace of action, could be outdated quickly. Nonetheless we hope this information is helpful. If you have any suggestions or feedback please send it to info@educationcounsel.com. Updates in this Alert are current as of March 28, 2025 at 11:00 am EDT.