

Recent Executive Orders Impacting Education

**Inland Personnel Council
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Agenda

- What is an Executive Order?
- Executive Orders Impacting Education
- Question and Answer



What is an Executive Order (EO)?

- President's executive power is vested by Article II of the Constitution, which requires that the President take specific actions to ensure "the laws [are] faithfully executed."
 - An Executive Order is a written directive that orders the government to take certain actions to execute the law.
- EOs cannot override federal laws or statutes, but they can direct federal agencies to implement an existing statute in a particular way and/or to implement a new policy priority.
- Whether the EO overrides state law is a complicated preemption issue.



EO Regarding Immigration Enforcement on Campus

- On January 20, 2025, President Trump issued an EO titled “Protecting the American People Against Invasion,” which directed federal agencies to identify and increase efforts to remove undocumented immigrants from the United States through civil and criminal enforcement measures.
- That same day, DHS Secretary rescinded a former policy that previously instructed U.S. Immigration and Customs Enforcement (“ICE”) and Customs and Border Protection (“CBP”) to refrain from immigration enforcement actions at “sensitive locations” or “protected areas,” such as educational institutions, unless exigent circumstances exist.
- Other federal and state case and statutory laws safeguard California students irrespective of immigration status in the education context.

Executive Orders on Diversity, Equity, and Inclusion (“DEI”)

- In January 2025, Executive Orders were issued aimed at DEI initiatives.
- First EO mostly aimed at agencies and employees of the federal government, but also impact federal grantees who have received federal funding “to provide or advance DEI, DEIA, or ‘environmental justice’ programs, services, or activities since January 20, 2021”
- If a public agency or private company received an “equity-related” grant under the Biden Administration, then it may receive an order of termination from the overseeing branch of the federal government.

Second DEI Executive Order

- All state and local educational agencies receiving federal funding, including all institutions of higher education that receive federal grants or participate in the federal student loan assistance program are required to comply with the holding in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023), which prohibits using race as a criterion for admission but still permits an applicant to discuss “how race affected his or her life, be it through discrimination, inspiration, or otherwise.”
- The EO expressly allows public employers to retain employment and contracting preferences for veterans and persons protected by the Randolph-Sheppard Act, a law aimed at providing blind persons with remunerative employment, economic opportunities, and self-support through operation of vending facilities in federal buildings.

Federal Court Injunction of EOs and Dear Colleague Letter Addressing DEI

- On February 21, 2025, a federal court in Maryland issued a nationwide injunction blocking three key provisions of these Executive Orders.
- The three invalid provisions were as follows:
 - (1) the “Termination Provision”
 - (2) the “Certification Provision”
 - (3) the “Enforcement Threat Provision”
- On April 24, 2025, federal court in New Hampshire issued a preliminary injunction of a Dear Colleague Letter stemming from the DEI EOs, holding it likely unconstitutional.
- **Key takeaway:** CA public institutions should continue to follow the existing state and federal anti-discrimination laws that were in effect prior to the EO.

Recommendations Related to DEI

- 1. Evaluate DEI Programs/Practices:** Review DEI-related programs to avoid potential conflicts with the EOs, including review of the content and processes of third-party vendors. Make certain any such trainings are consistent with Proposition 209 and other state and federal anti-discrimination and equal employment opportunity laws.
- 2. Evaluate Promotion & Hiring Practices:** Avoid diversity quotas unless mandated by law. Make sure hiring criteria is based on job qualifications and performance, not prohibited demographic characteristics.
- 3. Keep Detailed Records:** Keep detailed records of hiring practices, training programs, and all DEI-related initiatives to demonstrate that employment practices comply with federal and state law.

EO: “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to The Federal Government”

- The EO explicitly rejected “gender ideology,” which, according to the EO, includes the notion “that males can identify as and thus become women and vice versa.”
- Accordingly, recipients of federal funding under Title IX were directed to immediately revert to the definitions, procedures, and training requirements of the 2020 Title IX Regulations, if they have not done so already.

EO: Signaling Future Changes to School Funding and Educational Choices for Parents



- On January 29, 2025, President issued an EO titled, “Expanding Educational Freedom and Opportunity for Families.”
 - This order stated the current administration’s policy is to support parents in directing the upbringing and education of their children, and tasked multiple cabinet secretaries to evaluate and propose plans for expanding opportunities for parents to choose where and how their children are educated.
- This will likely bring noteworthy directional shifts to two federal education formula funding grants: (1) the Individuals with Disabilities Education Act (IDEA); and (2) Title I of the Elementary and Secondary Education Act.

EO: “Ending Radical Indoctrination in K-12 Schooling”

- Also on January 29, 2025, President issued this EO addressing the concern that schools are indoctrinating children with radical gender and race theories that force children to adopt “victim” or “oppressor” identities based on characteristics such as skin color, as well as question their gender identity.
- This EO calls for the rescinding of federal funding for illegal and discriminatory practices in K-12 schools, ensures the protection of parental rights, and promotes the advancement of “patriotic education.”
- Within 90 days of the date of this order, the Secretary of Education, the Secretary of Defense, and the Secretary of Health and Human Services, in consultation with the Attorney General, were directed to provide an “Ending Indoctrination Strategy” to the President.

EO: “Keeping Men Out of Women’s Sports”

- On February 5, 2025, the White House issued an EO banning transgender athletes from participating in women’s sports.
 - The EO relies on the definitions of “sex,” “male” and “female” (among others) from a prior EO (“Defending Women from Gender Ideology and Extremism...”) as an individual’s gender at conception.
- The EO states that under Title IX, educational institutions receiving federal funding cannot deny women an equal opportunity to participate in sports.
- Importantly, the EO appears to conflict with California law.
- **Recommendation:** Until the conflict between the EO and state law is addressed by the courts or California legislature, maintain the status quo with respect to following California law regarding transgender students’ participation in athletics.

EO: “Keeping Education Accessible and Ending Covid-19 Vaccine Mandates in Schools”

- This EO directs the federal government to stop providing discretionary funds to support or subsidize an educational service agency, state educational agency, local educational agency, elementary school, secondary school or institution of higher education that requires students to have received a COVID-19 vaccination to attend any in-person education program.
- Secretary of Education was directed to “as soon as practicable issue guidelines to elementary schools, local educational agencies, State educational agencies, secondary schools, and institutions of higher education 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.”

EO Regarding the Dissolution of the United States Department of Education (USDOE)

- The EO directs Secretary of Education Linda McMahon to “...take all necessary steps to facilitate the closure of the Department of Education and return authority over education to the States and local communities while ensuring the effective and uninterrupted delivery of services, programs, and benefits on which Americans rely.”
- Secretary McMahon stated, “Closing the Department does not mean cutting off funds from those who depend on them – we will continue to support K-12 students, students with special needs, college student borrowers, and others who rely on essential programs.”
- Federal administrative agencies can only be created, and thus dissolved, by an act of Congress.

EO: “Advancement of Artificial Intelligence Education for American Youth”

- EO issued on April 23, 2025, establishing a comprehensive policy aimed at integrating Artificial Intelligence (“AI”) education into K-12 classrooms across the nation.
- Will Scharf, White House staff secretary, explained the EO’s rationale: “The basic idea of this executive order is to ensure that we properly train the workforce of the future by ensuring that school children, young Americans, are adequately trained in AI tools.”
- EO established a White House Task Force on AI Education and directs the Secretary of Education to prioritize AI in discretionary grant programs for teacher training and instructs the Director of the National Science Foundation to prioritize research on the use of AI in education.

EO: “Reinstating Common Sense School Discipline Policies”

- This EO directs the USDOE Secretary of Education to issue guidance within 30 days to ensure that school discipline policies comply with Title VI protections against racial discrimination.
- Enforcement actions will be taken against noncompliant agencies, and coordination with state leaders to within 60 days.
- Within 120 days, the Secretary of Education shall submit a report regarding the status of discriminatory-equity-ideology-based school discipline and behavior modification techniques in American public education.
- Speculation that this could lead to a challenge of California state law banning suspensions for “willfully defiant” conduct in K-12.

Alerts

- **05.07.2025** [Federal Court Holds “Dear Colleague Letter” Concerning DEI Programs Likely Unconstitutional](#)
- **04.29.2025** [Executive Order Issued Calling for Advancement of Artificial Intelligence Education for American Youth](#)
- **03.24.2025** [Executive Order Issued Calling for the Dissolution of the Department of Education](#)
- **03.03.2025** [Executive Order Issued Banning Transgender Athletes from Female Sports](#)
- **02.10.2025** [Legal Challenge Brought Against Trump’s Executive Orders Targeting DEIA Programming](#)
- **02.05.2025** [U.S. Department of Education to Enforce 2020 Title IX Regulations, Effective Immediately](#)
- **02.05.2025** [Responding to Immigration Enforcement on Campuses](#)
- **02.05.2025** [Trump Administration Issues Executive Order Signaling Changes on the Horizon to School Funding and Educational Choices for Parents](#)
- **02.03.2025** [What California Public and Private Sector Employers Need to Know about the Trump Administration’s Executive Orders on Diversity, Equity, and Inclusion](#)
- **01.29.2025** [Federal Court Issues Partial Administrative Stay of Office of Management and Budget’s “Pause” in Federal Financial Assistance](#)

Question & Answer Session

Thank You

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