

UPDATED 2/10/2025: Summary and Analysis of Trump Administration Executive Actions Impacting Education

President Trump has issued numerous [Executive Orders \(EOs\) and other administrative actions](#), several of which have 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. As such, several of the Trump EOs and related actions have been and will likely be challenged in federal court (either on their “face” or as the Administration takes further actions to implement them). The table below provides a summary of the most education-relevant EOs and related 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 (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 have made small updates to other rows in the table pertaining to EOs issued earlier (e.g., the status of court challenges), also marked with “ **!! NEW:**”.

We plan to continue to update this summary of EOs and other actions when the Administration takes additional major steps relevant to education.

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TOPIC 1: EQUITY AND CIVIL RIGHTS		
!! NEW: “Eradicating Anti-Christian Bias” EO (2/7/25)		
<p><i>Establishes a task force to address “anti-Christian bias” in the federal government and in private conduct.</i></p> <ul style="list-style-type: none"> 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.” 	<ul style="list-style-type: none"> 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.” 	

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<p>!! NEW: “Keeping Men Out of Women’s Sports” EO (2/5/25)</p>		
<p><i>Interprets Title IX to prohibit transgender girls and women from participating in girls’/women’s sports.</i></p> <ul style="list-style-type: none"> ● Directs the Secretary of Education to: <ul style="list-style-type: none"> ○ “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.” ○ 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 grant programs that do not comply with the policy in the EO. ● Urges the Department of Justice to provide resources to “ensure expeditious enforcement” of the actions in the EO. 	<ul style="list-style-type: none"> ● 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 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. 	<ul style="list-style-type: none"> ● OCR followed up on the EO by announcing investigations into two colleges (San Jose State University & University of Pennsylvania) and one athletic association (in Massachusetts) regarding their policies and/or decisions allowing transgender students to participate on sports teams that align with their gender. ● On 2/6, 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).
<p>!! NEW: “Ending Radical Indoctrination in K-12 Schooling” EO (1/29/25)</p>		
<p><i>Seeks to eliminate how K-12 schools incorporate “DEI” and gender in teaching and learning, as well as support for LGBTQ students.</i></p> <ul style="list-style-type: none"> ● 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 	<ul style="list-style-type: none"> ● 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 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 	<p>The EO’s definitions include, but are not limited to, these terms:</p> <ul style="list-style-type: none"> ● “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

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<p>discriminatory treatment and indoctrination in K-12 schools,” including based on “gender ideology” and “discriminatory equity ideology,” and (2) “protecting parental rights.” Among other activities, the strategy is required to include:</p> <ul style="list-style-type: none"> ○ 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”: <ul style="list-style-type: none"> (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 	<p>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.</p> <ul style="list-style-type: none"> ● 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. 	<p>‘gender marker’ that differs from a person’s sex”;</p> <ul style="list-style-type: none"> ● “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.”

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<p>“promote patriotic education.” The 20-member Commission will promote public knowledge of and support for patriotic education surrounding the US’s 250th anniversary.</p> <ul style="list-style-type: none"> 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. 		
<p>!! NEW: “Additional Measures to Combat Anti-Semitism” EO (1/29/25)</p>		
<p><i>Requires agencies to identify new mechanisms and strategies to combat antisemitism, including on college campuses.</i></p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> “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 	<ul style="list-style-type: none"> 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. 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. 	<ul style="list-style-type: none"> 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 2/3, OCR announced investigations into five IHEs as a follow up to this EO.

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<p>anti-Semitism — pending or resolved after October 7, 2023 — within [OCR].”</p> <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. 		
<p><u>“Ending Illegal Discrimination and Restoring Merit-Based Opportunity” EO (1/21/2025)</u></p>		
<p><i>Reinforces the other anti-DEI order and further seeks to eliminate DEI programs/initiatives beyond the federal government.</i></p> <ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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>Students for Fair Admissions, Inc. v. President and Fellows of Harvard College</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 	<ul style="list-style-type: none"> • !! NEW: An association of higher education diversity officers has filed suit against this action.

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<p>technical assistance,' 'advancing equity,' and like mandates, requirements, programs, or activities, as appropriate.'"</p> <ul style="list-style-type: none"> • Directs the Attorney General and Secretary of Education 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>Students for Fair Admissions, Inc. v. President and Fellows of Harvard College</i>. • 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., May 21) 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." 	<p>the civil rights era to ensure anti-discrimination protections for employees of federal contractors and subcontractors.</p> <ul style="list-style-type: none"> • 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 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. 	
<p>"Ending Radical and Wasteful Government DEI Programs and Preferencing" EO (1/20/25)</p>		
<p><i>Eliminates diversity, equity, and inclusion (DEI) and diversity, equity, inclusion, and accessibility (DEIA) programs/initiatives in the federal government.</i></p> <ul style="list-style-type: none"> • 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., March 20) to: (1) terminate, "to the maximum extent allowed by law," all DEI offices/positions; "equity action plans;" "equity-related" programs, grants, or contracts; and DEI performance requirements for employees, contractors, or grantees; 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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

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<p>(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.</p> <ul style="list-style-type: none"> Establishes monthly meetings led by the Domestic Policy Council to track progress and identify areas for additional action. 	<ul style="list-style-type: none"> 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. 	<p>programs, and threatening them with adverse employment action if they fail to do so.</p> <ul style="list-style-type: none"> USED summarized its early implementation efforts of this EO in this press release. !! NEW: An association of higher education diversity officers has filed suit against this action.
<p>“Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government” EO (1/20/25)</p>		
<p><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></p> <ul style="list-style-type: none"> 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” and “female” focus on a person’s sex “at conception.” Instructs federal agencies to enforce laws, regulations, and guidance governing sex-based 	<ul style="list-style-type: none"> 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. Several lower federal courts and the Biden Administration have held that other statutory prohibitions against sex-based discrimination (such as 	<ul style="list-style-type: none"> 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. !! NEW: On 1/31 (revised on 2/4), OCR circulated a “Dear Colleague” letter citing these

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<p>rights and protections in a way that is consistent with these new definitions.</p> <ul style="list-style-type: none"> Requires the White House Office of Legislative Affairs to present draft legislative text to the President within 30 days (i.e., February 20) 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. 	<p>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.</p> <ul style="list-style-type: none"> 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. 	<p>court rulings (and this “Defending Women” EO) to inform the field that OCR will be implementing the Title IX regulations finalized in the first Trump Administration.</p> <ul style="list-style-type: none"> !! NEW: On 1/28, President Trump issued a related EO, “Protecting Children from Chemical and Surgical Mutilation” that ended any federal support for gender-affirming care for people 19 or younger. At least two lawsuits have been filed to challenge the legality of this EO.
<p>“Restoring Freedom of Speech and Ending Federal Censorship” EO (1/20/2025)</p>		
<p><i>Prohibits federal employees – and agents of the government – from engaging in censorship of free speech.</i></p> <ul style="list-style-type: none"> 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.” 	<ul style="list-style-type: none"> 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 <i>if</i> 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. 	<ul style="list-style-type: none"> 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.

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<p>TOPIC 2: U.S. DEPARTMENT OF EDUCATION FUNDS & FUNCTIONS</p>		
<p>!! NEW: “Expanding Educational Freedom and Opportunity for Families” EO (1/29/25)</p>		
<p><i>Seeks to expand school choice through federal programs.</i></p> <ul style="list-style-type: none"> • 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). 	<ul style="list-style-type: none"> • 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.” 	<ul style="list-style-type: none"> • While 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. • Finally, new federal support for school vouchers and/or Education Savings Accounts are also likely to be considered as part of budget reconciliation bills that will be advanced by congressional Republicans.

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	<ul style="list-style-type: none"> • 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. 	
TOPIC 3: IMMIGRATION		
“Protecting the Meaning and Value of American Citizenship” EO (1/20/25)		
<p><i>Instructs the federal government not to recognize birthright citizenship.</i></p> <ul style="list-style-type: none"> • 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., February 20). 	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • As of January 21, twenty-two states have sued the Trump Administration in federal courts to block this EO, including eighteen states and two cities that challenged the EO in Massachusetts and four other states that challenged the EO in Washington. Further, the ACLU filed suit in New Hampshire on behalf of several nonprofit organizations. • On January 23, the federal judge (appointed by President Reagan) hearing the challenge in Seattle, WA, issued a nationwide temporary restraining order, 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

Summary	Analysis	Notes
	<p>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.</p>	<p>clear as this one is. This is a blatantly unconstitutional order.”</p> <ul style="list-style-type: none"> o !! NEW: On February 6, this same judge replaced the TRO with a preliminary nationwide injunction. A judge in Maryland did the same in a parallel case.
<p>“Protecting the American People Against Invasion” EO (1/20/25)</p>		
<p><i>Prompts immediate federal actions to vigorously enforce immigration laws.</i></p> <ul style="list-style-type: none"> ● 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 EOs. ● 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., April 20) 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. 	<ul style="list-style-type: none"> ● 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. 	<ul style="list-style-type: none"> ● 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. <ul style="list-style-type: none"> o !! NEW: A coalition of Quaker congregations has filed suit against this action. ● 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

Summary	Analysis	Notes
<ul style="list-style-type: none"> Instructs the Department of Homeland Security to significantly increase the number of agents and officers available to perform the duties of immigration officers. 		<p>requirements, and the threat may have powerful chilling effects.</p> <ul style="list-style-type: none"> !! NEW: A coalition of immigration advocates has filed suit against this action.
<p><u>“Declaring a National Emergency at the Southern Border of the United States”</u> EO (1/20/2025)</p>		
<p><i>Deploys federal resources to security enforcement at the U.S.-Mexico border.</i></p> <ul style="list-style-type: none"> 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., April 20) about the conditions at the border and any recommendations for additional actions. 	<ul style="list-style-type: none"> 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. 	
<p>TOPIC 4: REPEAL OF PRIOR ADMINISTRATION ACTIONS</p>		
<p><u>“Initial Rescissions of Harmful Executive Orders and Actions”</u> EO (1/20/25)</p>		
<p><i>Rescinds approximately eighty EOs and PMs issued during the Biden Administration that addressed wide-ranging topics.</i></p> <ul style="list-style-type: none"> Reverses Biden Administration policies that the new Administration deems “deeply unpopular, inflationary, illegal, 	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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.

Summary	Analysis	Notes
<p>and radical” and aims to “restore common sense to the Federal Government and unleash the potential of the American citizen.”</p> <ul style="list-style-type: none"> ● Includes rescission of several EOs and PMs about education, including EOs that: <ul style="list-style-type: none"> ○ 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. 	<ul style="list-style-type: none"> ● 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. 	<ul style="list-style-type: none"> ● 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.

TOPIC 5: MANAGEMENT OF THE FEDERAL GOVERNMENT AND WORKFORCE

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

<p><i>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”).</i></p> <ul style="list-style-type: none"> ● 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. 	<ul style="list-style-type: none"> ● 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, 	<ul style="list-style-type: none"> ● The National Treasury Employees Union – representing federal workers at 37 federal agencies – filed a lawsuit seeking to reverse the EO. <ul style="list-style-type: none"> ○ !! NEW: At least three other parallel lawsuits have been filed challenging this EO.
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Summary	Analysis	Notes
<ul style="list-style-type: none"> 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., August 18) and determine which positions should be reclassified under this new schedule. 	<ul style="list-style-type: none"> 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. 	
<p>“Restoring Accountability for Career Senior Executives” EO (1/20/25)</p>		
<p><i>Creates more accountability for senior executive service officials.</i></p> <ul style="list-style-type: none"> 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. February 20) 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. 	<ul style="list-style-type: none"> 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. 	
<p>“Reforming the Federal Hiring Process and Restoring Merit to Government Service” EO (1/20/25)</p>		
<p><i>Overhauls federal hiring practices to purportedly prioritize merit.</i></p> <ul style="list-style-type: none"> 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.’” 	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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.

Summary	Analysis	Notes
<ul style="list-style-type: none"> • Mandates the development of a Federal Hiring Plan by 120 days (i.e., May 20), crafted by several offices including the new United States DOGE Service (USDS). • 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.” 	<p>childhood settings, K-12 schools, and institutions of higher education. It may also hinder agencies’ ability to conduct meaningful oversight of federal programs or to provide technical assistance to grantees.</p> <ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.
<p>“Establishing and Implementing the President’s ‘Department of Government Efficiency’ EO (1/20/2025)”</p>		
<p><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></p> <ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • !! NEW: Four lawsuits have been filed to challenge this EO and multiple others to challenge early actions by the DOGE team. • !! NEW: On 2/7, the National Institute for Health (NIH) published new grants guidance setting as “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.) If it proceeds, the change will have a profound impact on scientific research and on research universities and other research institutions. The NIH action also may be a harbinger for similar actions at agencies that fund education R&D such as USED’s Institute of Education Sciences and the National Science Foundation. <ul style="list-style-type: none"> ○ On 2/10, 22 state AGs filed suit challenging this action.