

AASA Federal Policy Update 2025

AASA Advocacy Team





Agenda

- Context Setting – What's happening in DC?
- Executive Orders
- Federal Funding
- Reconciliation
- Student Privacy & Tech
- SCOTUS





Context Setting

- Take a deep breath.
- Don't take it literally, but do take it seriously.
- **So what's happening now and why?**
 - In the White House: So. Many. Executive Orders.
 - On the Hill: Last Congress was least productive Congress since the Great Depression. New Congress is here but not promising much of a different experience.
 - In the Courts: This session features 4 cases we are filing amicii in; it's the busiest Court term for education we've seen in more than 15 years.
- **Putting It All Together**: Our path is forward. Schools will still open. Kids will still show up. Federal policy will still need to be implemented. At the end of the day, Congress can only do better if they know better, and that's what this conference and your advocacy are all about.





Executive Orders 101

- Executive orders do not create new laws, amend existing laws, or offer binding legal interpretations for schools to follow.
- Instead, they direct federal agencies on how the President intends to enforce existing laws. Federal agencies, including the Department of Education's Office for Civil Rights (OCR), will undoubtedly align their enforcement actions with these directives.
- However, their authority remains constrained by the text of existing statutes and regulations, as well as by court interpretations of those laws.
- Without action from Congress or the judiciary, many of the more aggressive interpretations reflected in these executive orders cannot, on their own, alter the legal landscape.

The orders, as currently drafted, are broad and sweeping, and at the same time lack detail to help reasonably anticipate actual next steps or impact.





Executive Orders

- Executive Order on School Choice
- Executive Order on Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government
- Executive Order on Ending Illegal Discrimination and Restoring Merit-Based Opportunity
- Executive Order on Ending Radical Indoctrination in K-12 Schooling
- Keeping Men Out of Women's Sports
- *Possible EO*: Dismantling the U.S. Department of Education





Impacts of EO: Gender Ideology

- A complaint filed with OCR by the America First Legal Foundation in early February alleges that several Virginia school districts' gender-identity-friendly bathroom and locker room policies violate Title IX.
- OCR has made it clear that it is ready and willing to investigate schools' policies protecting gender identity, making AFL's complaint unsurprising.
- **Nothing stops AFL, Moms for Liberty, etc. from filing complaints across the country alleging school district policies outlined in handbooks, etc. violate Title IX and nothing stops OCR from investigating them.**
- Schools should resist the urge to make hasty policy and instead make deliberate decisions with expert legal support and a firm understanding of their local environments.





Impacts of EO on DEI: OCR Guidance on Title VI

Dear Colleague letter Feb 14th -> March 1 FAQ

- Reaffirms schools cannot use a person's race as a direct "plus" or "minus" in admissions or other access decisions, as favoring one racial group inherently disadvantages others.
- Suggests that programs open to all participants, regardless of race, are likely permissible
- Recognizes that schools may continue cultural programming and discussions on race-related topics, provided they do not limit access or create a hostile environment.

What FAQ clarifies schools should not do:

- Requiring students to participate in privilege walks or pressuring students to engage in activism/protests adhering to specific viewpoints on race-related issues
- Investigating or disciplining students for dissenting views on race-related topics through DEI offices or similar university structures
- Mandating trainings, orientations, or courses that reinforce racial stereotypes
- Assigning coursework that requires students to identify themselves by race or complete tasks differentiated by race
- Applying disciplinary measures differently based on race by excusing misconduct for one racial group while sanctioning the same behavior for another.

Takeaway: OCR has moderated its stance on race-related programming. While the DCL took an aggressive approach, suggesting all DEI-related initiatives were legally suspect, the Q&A clarifies that schools can continue programming that addresses race as long as it does not treat individuals differently based on race or create a hostile environment for participants.





OCR Complaints

How do federal funds get rescinded?

- Step 1:** Complaint/compliance review
- Step 2:** Data collection/investigation (can take months/years)
- Step 3:** District responds to allegations
- Step 4:** OCR makes finding
- Step 5:** Opportunity to enter into voluntary agreement to correct noncompliance (typically the end)
- Step 6:** District challenge to OCR finding in admin court
- Step 7:** District challenge to OCR finding in federal court

However....in Maine, OCR HHS just issued findings of Title IX noncompliance without investigations or voluntary resolution opportunities for the State/district. OCR's approach suggests that federal civil rights agencies may be shifting toward aggressive enforcement tactics that bypass traditional investigative processes, allowing them to pursue violations without expending significant resources.





Possible Executive Order on **ED- TBD**

Directs the U.S. Department of Education to take steps to close their federal agency “to the maximum extent appropriate and permitted by law.”

AASA’s believes **every administration should support strengthening the public school system.**

Maintaining a cabinet-level position for education signifies the importance of public education in our nation and recognizes that public schools are not only the largest employer in our country employing 7.2 million people and educating over 50 million children.





IDEA Full Funding



- HAPPY 50th, IDEA!!!
- AASA is proud to co-chair the IDEA Full Funding Coalition
- We held our first in-person IDEA Funding hill briefing in more than 5 years
- Looking to build on success of last Congress, with bipartisan bills in both chambers.
- Currently working on a bill that provides a ten-year glide path to help Congress realize its funding commitment
- IDEA currently at ~ 10%
- March Action: [Social Media Campaign](#)



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100 Days Must-Dos

- Senate confirmations for Cabinet posts
- Raising the debt ceiling
- Unveil reconciliation plans– 1 bill, 2 bills, what's in them?
- Pass FY25 funding by March 14th



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First 100 Days: FY25 Funding

- Current continuing resolution (CR) ends March 14. Shutdown increasingly likely.
- Halfway through the fiscal year – a full-year CR (extending funding through Sept. 30) probably the next move.
- **SOS on SRS:** Congress must reauthorize Secure Rural Schools Program as soon as possible.
 - Bills have been reintroduced: H.R. 1383/S. 356

CONGRESS

'Time is running out': Lawmakers scramble for a deal to stop a shutdown

Short of a major breakthrough in the coming days, Congress is staring down the barrel of yet another crisis over government funding.



Top Senate Appropriators Patty Murray (D-Wash.) and Susan Collins (R-Maine) are seen during a hearing on national security spending on Capitol Hill, Oct. 31, 2023. | Francis Chung/POLITICO

First 100 Days: FY25 Funding

FY25 Appropriations Proposals			
Program	FY24 Final	FY25 House	FY25 Senate
Title I	\$18.407 billion	\$14.626 billion (-4.7b)	\$18.687 billion (+280 m)
IDEA	\$14.214 billion	\$14.239 billion (+25 m)	\$14.509 billion (+295 m)
Title II	\$2.19 billion	\$0 (-2.19 billion)	\$2.19 billion (level)
Title III	\$890 million	\$0 (-890 m)	\$895 million (+5 m)
Title IV, Part A	\$1.39 billion	\$1.39 billion (level)	\$1.39 billion (level)
Impact Aid	\$1.625 billion	\$1.630 billion (+5 m)	\$1.645 billion (+20 m)
REAP	\$220 million	\$225 million (+5 m)	\$230 million (+10 m)

Looking Ahead: FY26 Funding



President's budget expected in **early April**

History has shown that the budget is usually DOA in Congress. **Will that continue to be the case?**

Based on last Administration, expect:

- Block-grant proposal
- Cuts to critical formula programs





Looking Ahead: **FY26 Funding**

- The FY25 House proposal is the best insight into what we can expect for education funding
- Leadership is pointing towards NAEP and ARP "failures" as evidence that money in education doesn't matter
- Significant fight ahead for funding



We need help with these priorities:

Funding

The most recent bipartisan appropriations bill approved by the Senate Appropriations Committee includes \$12 billion more for the Department of Education programs than the Republican bill approved by the House Appropriations Committee. President Trump has a history of supporting draconian funding cuts for Title I and other critical formula programs and we should expect he will be much more supportive of the House's proposals to eliminate Title II and Title III and reduce Title I spending by 25%

Advocate for why formula funding is so important!



*Draft advocacy
template email here!*



We need help with these priorities:

School Meals

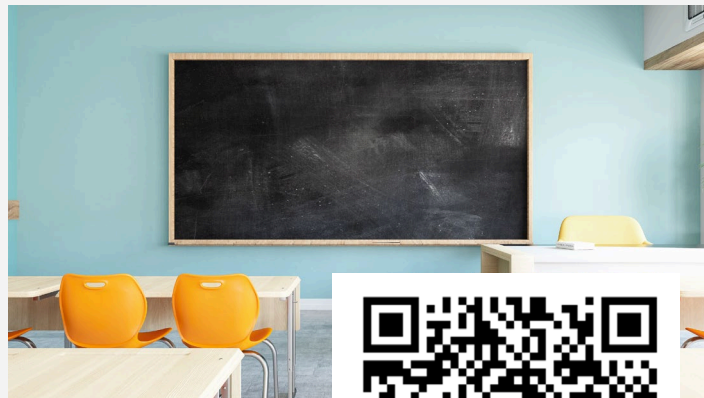
- Proposal to cut \$3 billion in school meals funding by:
 - Requiring independent documentation of eligibility for free and reduced-priced lunch
 - Raising the CEP eligibility threshold to 60 ISP



We need help with these priorities:

Vouchers—especially ECCA (H.R. 833/S. 292)

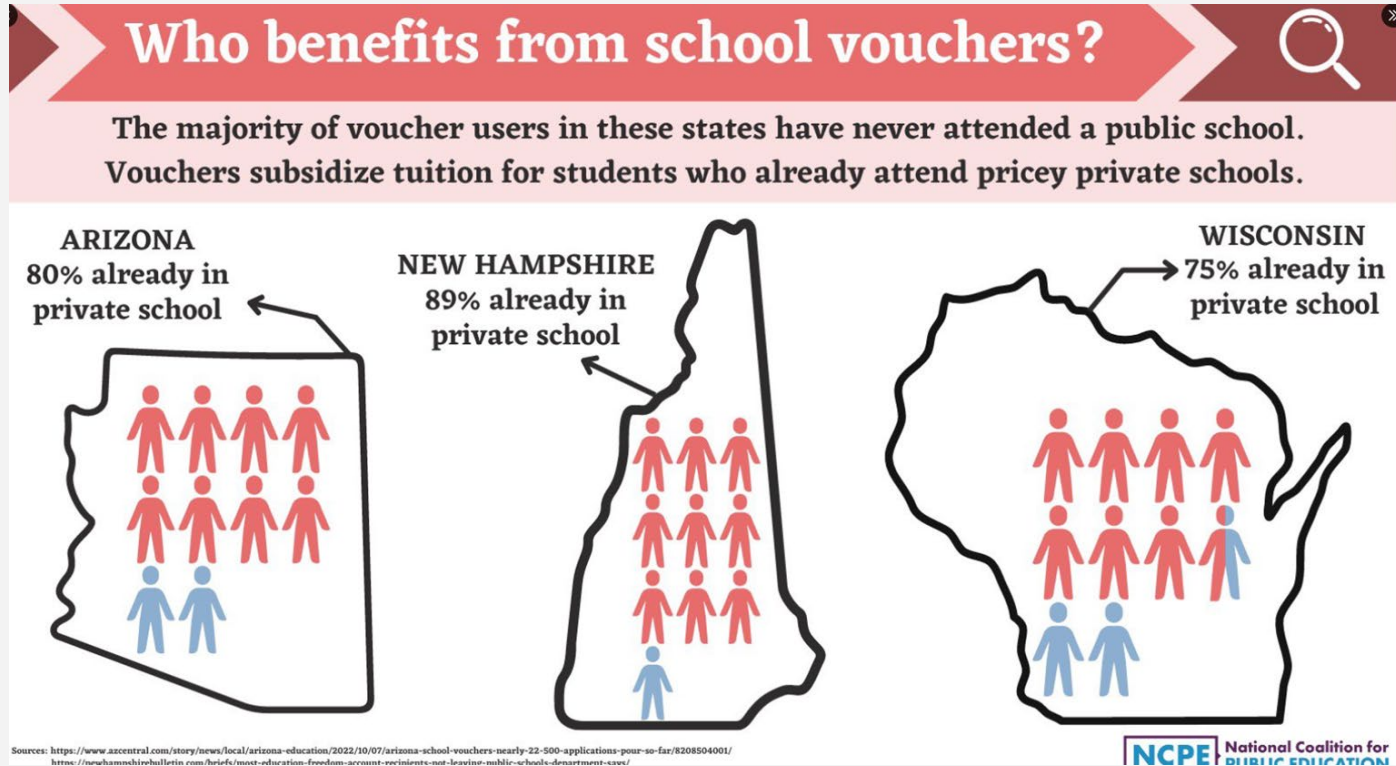
- Creates a national voucher program
- Thune and Johnson both co-sponsor the ECCA
- Available to families up to 300% of median gross income (different than poverty line— 400k in Scottsdale, AZ) for any K-12 expense including full tuition at ANY private school and for expenses related to homeschooling
- Tax credit would be for individuals (up to 5k) or corporations (up to 5% of the taxable income of the corporation for such taxable year)
- \$10 billion for 10 years
- 30 co-sponsors in Senate and 160 in the House



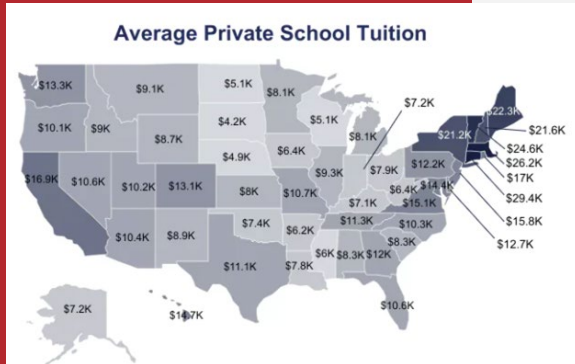
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It's easy to expand when you're enabling parents to get a tuition coupon for kids already enrolled in private schools.



Voucher Accessibility



Myth

Universal voucher programs give equal opportunity to all students to pursue a private education.

Fact

Even if every student is eligible to receive a voucher, not every student has an equal opportunity to use it. Private schools can, and frequently do, reject students for many reasons, such as religion, sexual orientation and gender identity, disability, academic ability, disciplinary history, and financial status. Additionally, the voucher amount often doesn't come close to covering the cost of private school tuition, let alone other services that are free in public schools.

Check out [voucher calculator](#) to see how your district would be impacted by a loss of 2%-5% of your students due to the federal voucher scheme.

We need help with these priorities:

Medicaid

- Multiple proposals to block-grant/cap Medicaid funding
- Medicaid is the 4th largest funding stream for schools (7.5b)
- 25+ states have expanded Medicaid programs to include students w/out IEPs and help cover/pay for a variety of healthcare services including MH services
- They need to pay for tax cuts and border/security and this is their biggest target
- School based Medicaid programs are among the smallest Medicaid programs in a state, when Medicaid funding is squeezed what state will prioritize schools being reimbursed over clinics, hospitals, and other primary-health providers?



*Draft advocacy
template email here!*



So break it down for me, what's at stake?

- \$3.2b in **E-Rate** funding is on the chopping block at SCOTUS
- \$7.5 billion of **Medicaid** dollars are at risk with Medicaid cap proposal by House GOP
- \$14.3 billion in **IDEA**- no increase/no decrease.
- \$14.6b for **school meals** could decrease considerably as House GOP proposal would require every family to document household income when applying for FRLP
- \$16.5b in **Title I** could go down to \$12.5b re House GOP proposal



Student Data/Privacy

- **Congress**
 - We expect House and Senate action on a flurry of federal policies, but do not yet have a read on if they will be paired or stand alone
 - Children and Teens Online Privacy Protection Act (COPPA)
 - Kids Online Safety Act (KOSA)
 - Kids Off Social Media Act (KOSMA)



We need help with these priorities:

E-Rate

- The Universal Service Fund (USF) provides for four programs that support internet connectivity: low-income (home internet); high cost (Expensive to connect areas) and rural health care (think: telehealth).
- The 5th Circuit Ruled that USF is unconstitutional
- SCOTUS will hear the case soon- If they rule it is unconstitutional, then we need to have Congress act to clarify if USF is allowed to collect fees and keep funding E-Rate
- Need to lay the groundwork for importance of E-Rate





Let's not forget the third branch

Aside from E-Rate, there are 3 major cases before the court:

Mahmoud v. Taylor

- What it will decide: If the mere exposure to views contrary to one's religious belief exerts pressure to change one's beliefs significant enough to violate the Free Exercise Clause.
- State law often dictates when opt-out is required, BUT what is "sensitive" or related to "sex"?
- Backdrop: SCOTUS has been expanding Free Exercise rights for religious institutions and individuals.

A.J.T. v. Osseo Area Schools, Independent School District

- What it will decide: Whether the ADA and Rehabilitation Act require children with disabilities to satisfy a uniquely stringent "bad faith or gross misjudgment" standard when seeking relief for discrimination relating to their education. Currently, student has to prove public school officials acted with discriminatory intent through "bad faith or gross misjudgment."

Drummond ex rel. State v. Oklahoma Statewide Virtual Charter School Board

- What it will decide: It is discrimination to prohibit religious charter schools?



How else can you help?

Work with your Board members to pass our new school board resolutions on opposing vouchers and supporting full funding of IDEA.

Take action at novouchers.org



A RESOLUTION CALLING FOR FULL, PERMANENT FUNDING OF IDEA

WHEREAS, public education is the cornerstone of our democracy, providing fundamental skills and opportunity to nearly 90% - 50 million - to children across the United States; and,

WHEREAS, in the decade following the Great Recession, students across the U.S. lost nearly \$600 billion from the states' disinvestment in their public schools; and

WHEREAS, prior to the COVID-19 pandemic, both state and federal funding for public schools failed to meet the critical needs of students across the country; and,

WHEREAS, the federal government provided nearly \$200 billion through three issuances of the Elementary and Secondary School Emergency Relief Act (ESSER) to states and school districts, including [\$\$\$] to the [SCHOOL DISTRICT]; and,

WHEREAS, the realized impact of ESSER funding is that it has benefited students' academic, social, emotional, and mental health needs through targeted programming and additional personnel, enhanced professional development opportunities, new technology as well as critical updates to school facilities; and

WHEREAS, research has consistently shown that increased education funding positively affects academic performance, increases graduation rates, and impacts future earnings; and,

WHEREAS, without an infusion of federal public education funding by Congress, it is estimated that districts will have to cut an average of \$1,200 per student from their budget; and,

WHEREAS, the systematic and chronic underfunding of public schools is a strategy by those who want to dismantle the public education system to decimate the quality of education that public schools can provide;

WHEREAS, when Individuals with Disabilities Education Act (IDEA) was passed in 1975, the federal government committed to pay 40 percent of the average per pupil expenditure for special education to ensure that every child with a disability has access to a high quality education; and,



Immigration Resources

- The rescission of the "protected areas" designation creates the possibility for immigration enforcement on school grounds
- Protections under *Plyler* and FERPA are still in place
- Access the AASA Immigration Supports for School Leaders at aasa.org/advocacy/key-issues/immigration
 - FAQs
 - Fact sheets on legal protections
 - Draft policies/protocols
 - Draft communications to staff, families and communities



FAQs on Immigration & Enforcement Policy in 2025

The following information is current as of January 28, 2025.

This content is based on questions AASA has received from members on the issue of immigration and enforcement policy following the rescission of the "protected areas" designation for schools on January 22, 2025.

For the additional resources and updates, visit [AASA's Immigration Supports Toolkit](#) and [Immigration Key Issue webpage](#).

LEGAL PROTECTIONS

What legal protections exist for students and student data?

The landmark *Plyler v. Doe* Supreme Court case established that all children, regardless of immigration status, have the right to a public education. Schools cannot deny a student a public education based on immigration status.

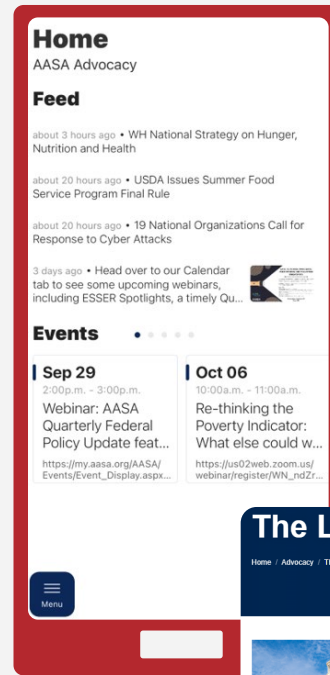
The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records and restricts the sharing of personally identifiable information (PII) without parental consent. These privacy protections apply to undocumented students and their families. **FERPA's data**





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The Leading Edge: Policy & Advocacy Blog

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The Leading Edge, AASA's policy & advocacy blog, provides up-to-date information about activities in Washington, D.C. and Capitol Hill that affect you and your school district.

Topics include new or proposed regulations and federal policies, federal funding updates and opportunities, advocacy resources and more.

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Latest Posts

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USED Resource: Frequently Asked Privacy-Related Questions About

Filing a Complaint with OCR

Today, USED's Office for Civil Rights (OCR) released a new resource with helpful details about how information – including the identity of a complainant – will be used by OCR when OCR investigates a complaint.

NOVEMBER 14, 2024



IES Releases New Literacy Resource

IES releases new literacy resource

NOVEMBER 14, 2024

Questions?



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