

Key Takeaways—Education and School Board Law webinar Vol. 5 (US Department of Education)

The following are key takeaways from CALN's *Education and School Board Law* webinar on Apr. 11, 2025. The session examined the history and functions of the U.S. Department of Education, as well as President Trump's executive order aimed at dismantling the agency.

Please note: These summaries can provide you with helpful information, but they do not and are not intended to constitute legal advice or create an attorney-client relationship. Instead, they are for general informational purposes only. You are encouraged to contact your board attorney, or to hire a personal attorney, to obtain advice with respect to legal matters.

History of the Department

While it has taken various forms that date back to the 19th century, the US Department of Education as we know it today was established in 1979 through the Department of Education Organization Act. Under the law, its mission is to:

- Strengthen the Federal commitment to **assuring access to educational opportunity** for every individual;
- **Supplement and complement the efforts of states**, the local school systems and other instrumentalities of the states, the private sector, public and private nonprofit educational research institutions, community-based organizations, parents, and students to improve the quality of education;
- Encourage the increased **involvement of the public, parents, and students** in Federal education programs;
- Promote **improvements in the quality and usefulness of education** through Federally supported research, evaluation, and sharing of information;
- Improve the **coordination of Federal education programs**;
- Improve the **management of Federal education activities**; and
- Increase the accountability of Federal education programs to the President, the Congress, and the public.

Guiding mission: to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Primary Department Functions

- Money: Establishes policies relating to federal financial aid for education, administers distribution of those funds and monitors their use.
- Data: Collects data and oversees research on America's schools and disseminates this

information to Congress, educators, and the general public.

- Publicity: Identifies the major issues and problems in education and focuses national attention on them.
- Equality: Enforces federal statutes prohibiting discrimination in programs and activities receiving federal funds and ensures equal access to education for every individual.

However, it maintains a poor record of success ...

Poor return on taxpayers' investment: The Department has spent over \$3 trillion without improving student achievement as measured by the Nation's Report Card (NAEP scores). Moreover, federal taxpayers spent around \$200 billion in additional education funding during COVID-19, even as student achievement plummeted nationwide.

Declining test scores: Math and reading scores are down in public schools, despite per-pupil spending having increased by more than 245% since the 1970s, indicating that more spending does not necessarily mean better education. At the same time, math and reading scores for 13-year-olds are the lowest they have been in decades.

Burdensome requirements: It's no secret that the Department burdens schools with regulations and paperwork. "Dear Colleague" letters have forced schools to divert resources toward complying with ideological initiatives, pulling staff time away from schools' primary role of teaching. (Biden's Department of Education added rules that imposed nearly \$3.9 billion in costs and 4.2 million paperwork hours.)

Imposing social agendas: The Department under the Biden Administration spent more than \$1 billion in grants focused on advancing racial and gender ideologies in education. During his presidency, it rewrote Title IX rules to expand the definition of "sex" discrimination to include "gender identity."

Recent Staffing Cuts

On March 11, 2025, the Department initiated a "reduction in force" (RIF) that cut its workforce from 4,133 to 2,183 workers. This was carried out as part of the Department's "Final Mission," as outlined by Education Secretary Linda McMahon.

Executive Order to Close the Agency

On March 20, 2025, President Trump signed an executive order (EO 14242) directing Secretary McMahon to "take all necessary steps" to **facilitate the Department's closure** and "return authority over education to the States and local communities." Crucially, his order insists that the delivery of "services, programs, and benefits on which Americans rely" must continue uninterrupted.

While no official plans have been announced, the administration's public statements suggest that core areas such as IDEA funding and guidance and civil rights enforcement (Office for Civil Rights) could be transferred to the Department of Health and Human Services and Department of Justice, respectively.

So, what's happening here?

- 1) We're heading back to the pre-1979 "Office" [of Education] in some manner, though the exact details are unclear at this moment.
- 2) Mandatory programs will continue to be implemented (Title I, IDEA, etc.). Civil rights protections will continue to be enforced.

Helpful considerations

- Embrace the **freedom and autonomy** that comes with increased state and local control of education.
- Challenge **false claims** that children will be harmed in the absence of a bureaucratic Department of Education.
- Recognize that this transition may have bumps in the road but keep sight on the bigger picture and **stay the course**.
 - Pay greater attention to elections of **state and local education officials** and their policies.