

# AASA January 2025 Update



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# Agenda

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## Trump 2.0

Executive Orders

02

## Congress

Leadership shifts and must-dos

## Key Issues

Can you help with our top priorities for 2025

03

## SCOTUS

4 cases this term with major implications

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# Trump 2.0



- Nomination of Linda McMahon
- 2024 Title IX off the books
- Hyper-focus on immigration, school choice, funding and diversity
- Funding Freeze

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## 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 Order on School Choice

Expanding Educational Freedom and Opportunity for Families” would direct the Education secretary to issue guidance regarding how States can use federal formula funds to support K-12 educational choice initiatives as well as prioritize educational freedom in awarding competitive grants.

DoD would be directed to submit a plan for how military families can use funds to send children to schools that could fall outside of the agency’s own school system. The Department of Interior would be ordered to submit a plan on how families who rely on that agency’s BIE schools can use federal funds to attend the school of their choice.

**It is not clear what immediate impact this will have and if there is any legal authority for the President to direct federal formula dollars towards educational vouchers/choice.**





# Executive Order on Radical Indoctrination

Would prohibit federal funding for schools that teach “gender ideology and critical race theory in the classroom.” The President would have a list of all the federal funding sources and streams, including grants and contracts, that directly or indirectly support or subsidize instruction of gender ideology and CRT which could include K-12 curriculum, instruction, programs and activities as well as in K-12 teacher education, certification, licensing, employment and training.

If an LEA, ESA or other entity that receives federal funding is indirectly supporting or subsidizing the instruction, advancement or promotion of gender ideology and CRT then they could have funding rescinded. If a LEA or ESA or an individual school is found to have *supported the social transition of a minor while deliberately concealing that transition from a minor’s parents* the school would also be at risk of having federal funds rescinded and there could be legal charges brought against the teacher/school leader.





## Fall-Out of Executive Order re 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.**
- OCR complaints allow almost no real opportunity for schools to challenge OCR's underlying legal theories until a finding has been made and the school's federal funding is hanging in the balance.
- 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.





## Possible Executive Order on ED- TBD

Part I: Order ED to dismantle subagencies and other departments that were not authorized by Congress or that were created by prior agencies

Part II: Direct Congress to pass legislation restructuring ED/abolishing it as a cabinet level agency;

AASA's advocacy priorities related to this specific executive order are that: every administration should support strengthening the public school system.







# 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 [here](#)
  - FAQs
  - Fact sheets on legal protections
  - Draft policies/protocols
  - Draft communications to staff, families and communities





# Leadership Check

- ✓ John Thune is new Senate Majority Leader
- ✓ Mike Johnson is still the Speaker
- ✓ Tim Walberg is new House Education & Workforce Chairman
- ✓ Small majorities require compromise (or bullying from the President)



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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

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)
ImpactAid	\$1.625 billion	\$1.630 billion (+5 m)	\$1.645 billion (+20 m)
REAP	\$220 million	\$225 million (+5 m)	\$230 million (+10 m)

# We need help with these priorities:

## Funding

The current 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!**



# We need help with these priorities:

## Vouchers. Especially ECCA.

- Thune and Johnson both co-sponsor the ECCA
- Available to families up to 300% of median gross income (different than poverty line– 400k in Grosse Pointe) 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



# We need help with these priorities:

## Medicaid

- Multiple proposals to block-grant/cap Medicaid funding
- Medicaid is the 4<sup>th</sup> 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?





# 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 is considering taking the case (we hope they take it)
- 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**





# We need help with these priorities:

## School Meals

- Proposal to cut \$3 billion in school meals funding
- Considering changes that would require independent documentation of eligibility for free and reduced lunch
- Also considering raising the CEP threshold to 60%
- Would impact 1300 districts in Michigan and lead to half a million kids no longer being eligible for free/reduced meals



# 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
- \$13.3 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



# 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](https://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,

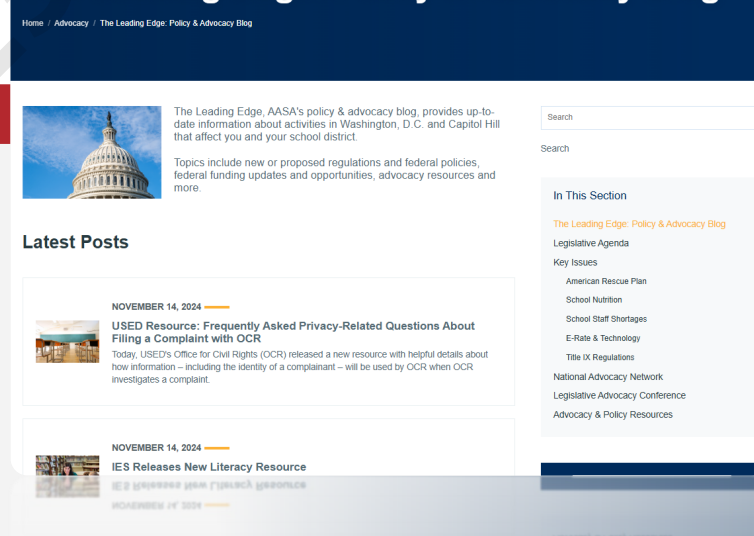


# Stay Connected

- AASA Advocacy App
- PEP Talk Podcast
- Leg Corps Weekly Newsletter
- The Leading Edge (blog)
- Social Media
  - Bluesky: @aasadvocacy.bsky.social
  - X: @AASAdvocacy
  - Threads: aasadvocacy



## The Leading Edge: Policy & Advocacy Blog



# Questions?

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