

**EDUCATION  
LAW CENTER**

# 2025 FEDERAL EXECUTIVE ORDERS & ACTIONS, AND THE IMPACT ON PENNSYLVANIA SCHOOLS

FEBRUARY 25, 2025

PEDC

# ABOUT ELC

Education Law Center-PA (“ELC”) is a statewide legal services nonprofit. Our mission is to ensure access to a quality public education for all children in Pennsylvania. We have offices in Philadelphia and Pittsburgh.

We pursue this mission by focusing on the most underserved students: children living in poverty, children of color, children with disabilities, children in the foster care and juvenile justice systems, children experiencing homelessness, English learners, LGBTQ and gender-diverse students - and many who are at the intersection of these identities.

Our priority areas include:

Equal Access to  
Quality Schools

Adequate &  
Equitable School  
Funding

Dismantling the  
School-to-Prison  
Pipeline

# AGENDA



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What is an Executive Order?

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School curriculum

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Gender identity

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Race and DEI

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Immigrant students

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Questions

# WHAT IS AN EXECUTIVE ORDER?

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EOs are directives from the President which explain how that administration plans to interpret and enforce the law.

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Executive orders cannot override laws or case law interpreting those laws.

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Agencies are bound by executive orders in how they enforce existing laws, like Title IX.

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Any action the president directs the federal government to take must be based on an existing statute or a constitutional power of the president.

**An executive order is not law.**

**An executive order that directs the executive/agency to act beyond what is allowed by those statutes and powers is unconstitutional.**

# EXEC ORDER ABOUT SCHOOL CURRICULUM

## “Ending Radical Indoctrination in K-12 Schooling”

### CENSOR TEACHERS & AMERICAN HISTORY

Defines 6 divisive concepts as “discriminatory equity ideology” (racism, oppression, sexism)

Ed Dept to cut funding to school that supports concepts in curricula or teacher training, & “interference with parent info”

AG to criminalize teachers aiding in “social transition” of students

1776 Com’n for “patriotic education”

**NO LEGAL AUTHORITY FOR FED GOVT TO DICTATE K12 CURRICULUM**

# EXEC ORDERS ABOUT GENDER IDENTITY

## \*RELATING TO SCHOOLS

### “Defending women from gender ideology extremism...”

**EMBOLDEN DISCRIMINATION & HATE  
TOWARD TRANSGENDER PEOPLE**

Directs fed agencies to implement narrow  
baseless definition of sex to rollback rights of  
trans, NB, intersex people

Rescinded affirming guidance; Directed  
AG: guidance limiting Bostock

Ed Dept DCL: 2 sexes

Directed OCR investigation:  
Denver bathrooms

**LAWSUITS CHALLENGING: military; prisons;  
passports; sports; healthcare**

### “Keeping men out of women’s sports”

**BAN TRANS GIRLS FROM GIRLS’  
SPORTS TEAMS**

Withhold fed funding from schools  
allowing T/NB kids to play

Circuits with cases affirming T/NB kids  
play sports

No 3d Cir case; PIAA revision

**LAWSUIT CHALLENGING: ACLU OF  
NH**

# EXEC ORDER & DEAR COLLEAGUE LETTER ABOUT DEI \*RELATING TO SCHOOLS

## “Ending radical & wasteful gov’t DEI...”

UNDO EQUITY PROGRAMS ACROSS  
THE GOV’T

Targets all agencies, dep’t, personnel, grant  
recipients, fed contractors

Rescinded EO from 1965 ensuring equal opp  
for fed contractors

Seeks to intimidate employers to abandon  
DEIA initiatives

Mischaracterizes SFFA & lawful equity  
programs

**LAWSUIT, INJUNCTION:** Higher Ed assoc,  
restaurant workers, Baltimore

## OCR DCL 2/14/25

ANTI OPPORTUNITY, WRONG ON THE LAW

Withhold fed funding if “treating students  
differently on basis of race”

Directed OCR investigations

Concedes no force of law

Mischaracterizes SFFA & lawful equity  
programs

**WRONG ON THE LAW; PROCEDURES FOR  
OCR**

# THE TRUTH ABOUT DIVERSITY EQUITY & INCLUSION

- Most Americans do not agree with the conservative bogeyman of “DEI”
- EO and DCL suggest DEI policies compromise “merit” - requires relying on harmful baseless stereotypes (likely challenged in court)
- Supported in the law
  - Civil rights laws passed by Congress to prevent unequal treatment, remedy hostile environments and avoid perpetuating past discrimination
  - SFFA v Harvard does not suggest all DEI initiatives are against the law
  - SCOTUS denied cert for high school context (Coalition for TJ v Fairfax)
  - Courts have found DEI trainings lawful; hostile environment std requires “severe or pervasive”
- There is an OCR process for terminating funding to schools, can be challenged in court



# PA HUMAN RELATIONS ACT: STATE ANTI-DISCRIMINATION LAW

PHRA prohibits discrimination in public K-12 schools (public accommodations) on the basis of:

- **Race** - includes hair texture and protective hairstyle e.g. braids, twists, and locs
- Color
- **Sex** - includes gender identity/expression and sexual orientation
- Religion
- Ancestry
- National origin
- Handicap or disability
  - record of a handicap or disability
  - relationship or association with an individual with a handicap or disability
  - use of a guide or support animal
  - and/or handling or training of support or guide animals.



PHRA has been expanded over the years to specifically name and capture more types of unlawful discriminatory conduct.

This law works to make sure “all people in Pennsylvania will live, work, and learn free from unlawful discrimination”

# PHRC - FILING A COMPLAINT

## THE BASICS

### Discrimination on the basis of:

- ✓ race,
- ✓ color,
- ✓ sex (including SOGIE),
- ✓ religion,
- ✓ national origin,
- ✓ ancestry
- ✓ disability,
- ✓ retaliation for filing a complaint

- PHRA covers public accommodation including public schools (and also housing, employment)
- Within 180 calendar days of the last act of discrimination; unless legally justifiable reason
- Filed by one who is the victim of alleged discrimination
- Attorney not required but permitted
- Complaint Format:  
[https://www.phrc.pa.gov/AboutUs/Documents/ComplaintProcess\\_7-2017\\_Final.pdf](https://www.phrc.pa.gov/AboutUs/Documents/ComplaintProcess_7-2017_Final.pdf)
  - Call 717-787-4410 or visit regional office (Harrisburg, Philadelphia, Pittsburgh)
  - Complete fillable Education Intake [PDF](#) & email to [PHRC@pa.gov](mailto:PHRC@pa.gov) or mail to regional office

# ACTION STEPS

Call polymakers, hold them accountable to real issues

Letter or board testimony to schools, urging to affirm commitment to safe, affirming, inclusive schools



# QUESTIONS?

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