

Executive Order to Close the Department of Education: What It Means for Your School

March 21, 2025

On March 20, 2025, President Donald J. Trump signed an Executive Order (“EO”) titled “Improving Education Outcomes by Empowering Parents, States, and Communities,” directing the Secretary of Education to undertake all necessary steps to facilitate the closure of the Department of Education (“Department”).

What the EO Says

Citing historically low reading and math scores, the EO asserts that the federal bureaucracy has not served students, teachers, or families effectively, and aims to return decision-making power to those closest to the educational process—“States and local communities.”

The EO mandates that existing services, programs, and benefits—such as student loans, Title I funding, and special education support—continue without interruption during this transition, though it provides no details for achieving this continuity. In addition, the EO targets “illegal discrimination” in DEI and so-called “gender ideology” programs, potentially impacting school funding and compliance.

Notably, the EO recognizes its own legal boundaries: the Department, established by Congress in 1979 under the Department of Education Organization Act, cannot be unilaterally eliminated by the President. Any bill to shut down the Department requires 60 votes in the Senate to overcome a filibuster—a challenging threshold given the current political landscape on Capitol Hill. And legal challenges are likely to be filed. These lawsuits could delay implementation or reshape the order’s trajectory.

What This Means for Your School and Next Steps to Consider

For local school districts and charter schools, this EO introduces a range of practical and strategic considerations. Federal funding currently constitutes about 14 percent of public school budgets, primarily through programs like Title I, which supports schools in low-income areas, and the Individuals with Disabilities Education Act (“IDEA”), which ensures resources for students with disabilities. While the order does not immediately terminate these funds, a successful closure of the Department could lead to their disruption or reallocation. Districts in distressed regions may face additional challenges in maintaining current levels of service without federal support. Charter schools may have to grapple with the potential loss of federal Charter School Program grants (“CSP”), which may constrain their ability to expand or sustain operations.

Additionally, the EO includes a mandate to terminate any program or activity receiving federal assistance that is deemed to engage in “illegal discrimination” under described terms like “diversity, equity, and inclusion” or programs promoting “gender ideology.” For districts and charter schools, this could mean increased scrutiny of existing DEI programs, staff training, or curriculum elements related to gender identity, potentially requiring adjustments to maintain eligibility for federal funding during the transition. Non-compliance could risk funding cuts or legal challenges from federal authorities, while compliance might spark local backlash or litigation from stakeholders who support such programs, placing schools in a delicate balancing act.

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The order also raises questions about civil rights enforcement, currently managed by the Department's Office of Civil Rights. If this function dissolves or transfers, it could lead to an increase in private civil litigation. Additionally, the Department's management of a \$1.6 trillion student loan portfolio may move to another federal entity, such as the Treasury Department. This could affect districts offering dual-enrollment programs or employing staff eligible for loan forgiveness under programs like Public Service Loan Forgiveness.

The broader implications of the policy shift represented by the EO may be significant. To prepare, it may be prudent for districts and charter schools to evaluate their dependence on federal programs like Title I, IDEA, and CSP grants. Engaging with your local ISD and with MDE to understand contingency plans may also be appropriate, as well as strengthening internal policies to address potential shifts in civil rights enforcement can help mitigate legal risks in an uncertain regulatory environment.

Should you have questions about how this order may affect your school or require assistance in navigating its implications, please contact your Miller Canfield attorney or one of the authors of this article.