

# **The Federal Update for March 21, 2025**

From: Michael Brustein, Julia Martin, Steven Spillan, Kelly Christiansen

Re: Federal Update

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##  Legislation and Guidance

### Congress Passes CR, Averting Government Shutdown

The Senate cleared a full-year continuing resolution (CR) last Friday, which extends funding at fiscal year (FY) 2024 levels through September 30th and averted a government shutdown Friday night. The fate of the CR was still unclear last Friday morning, as Senate Democrats were generally opposed to the legislation and instead sought a short-term CR to allow more time to pass final FY 2025 funding bills. However, enough Democratic senators ultimately voted to advance the CR to a final vote – a step that requires 60 votes of support.

The CR keeps funding for education programs at the same level as FY 2024, with the exception of eliminating earmark funding for specific projects included in the FY 2024 legislation. However, the CR does not outline funding for each specific program and lacks the explanatory statement typically attached to an appropriations bill, which does provide detailed program-level funding. The CR extends the FY 2024 appropriations law, which groups multiple programs together and provides one total for that group of programs, such as all programs under Title I of the Elementary and Secondary Education Act, but does not include line-item funding for each individual education program in the text of the law. While that information is provided in the FY 2024 explanatory statement, since the FY 2025 CR does not contain a similar statement, Democratic lawmakers and stakeholders have expressed concerns that the U.S. Department of Education may shift funding around within the “groups” of some programs given the lack of clarity in the FY 2025 CR.

Until ED provides its annual notification of allocations to grantees, which is expected later this spring, grantees will not know the exact amount some programs administered by ED will receive.

Author: KSC

### President Signs Executive Order to Dismantle ED

In a televised ceremony late Thursday afternoon, President Trump signed an executive order which he said starts the process of dismantling the U.S. Department of Education (ED).

The order instructs the Secretary of Education “to the maximum extent appropriate and permitted by law, take all necessary steps to facilitate the closure of the Department of Education and return authority over education to the States and local communities.” Additionally, ED is instructed to ensure “rigorous compliance” with law and policy, including the requirement that any grant recipient end diversity, equity, and inclusion (DEI) programs or those “promoting gender ideology.”

In a statement issued yesterday evening, Secretary of Education Linda McMahon praised the order, calling it a “history-making action… to free future generations of Americans.” Though she promised continued funding for programs including student loans and special education, McMahon argued that “[e]ducation is fundamentally a state responsibility. Instead of filtering resources through layers of federal red tape, we will empower states to take charge and advocate for and implement what is best for students, families, and educators in their communities.”

While the instructions in the order are sweeping, the Secretary’s actual authority is significantly more limited. Many offices within ED are required to be in place under the Department of Education Organization Act and subsequent laws, and ED is required to perform a number of additional functions like reporting on the results of federal education programs to Congress. Eliminating those functions or those offices would require an act of Congress, and polling shows such a move would be broadly unpopular. Still, Senator Bill Cassidy (R-LA), the Chair of the Senate Health, Education, Labor and Pensions Committee, said in a statement on social media yesterday that he would introduce legislation to eliminate the agency “as soon as possible.”

Both lawmakers and the President, meanwhile, have highlighted activities they do want ED to perform – including investigations of potential civil rights violations under Title IX of the Education Amendments of 1972 and Title VI of the Civil Rights Act. Additionally, although the White House stated yesterday that student loans would continue to be administered by ED, the President told reporters in the Oval Office on Friday that he plans to shift the federal student loan portfolio to the Small Business Administration.

[The text of the executive order is available here](https://www.whitehouse.gov/presidential-actions/2025/03/improving-education-outcomes-by-empowering-parents-states-and-communities/).

Author: JCM

## News

### ED Says RIFs Won’t Impact Work, Lawmakers Skeptical

In a set of letters sent by the U.S. Department of Education (ED) to grantees last week, the agency said that operations and services would not be impacted by the wide-scale Reductions in Force (RIF) that resulted in the firing of nearly half of its staff. While a federal district court judge ordered the temporary reinstatement of some fired federal workers at agencies including ED, the administration has expressed interest in further shrinking the agency.

A letter to State Chiefs says that the “Office of Elementary and Secondary Education (OESE) employees who oversee the allocation, monitoring, and management of the Elementary and Secondary Education Act’s (ESEA) title formula funding and discretionary programs were not impacted” and promises that “funds will continue to flow normally, and program functions will not be disrupted.” However, it adds that employees who oversaw COVID-era stimulus funds were included in the RIF, and so new information about where to direct questions and how to obtain reimbursements will be “forthcoming.” Additionally, the letter notes that the Office of English Language Acquisition and management of ESEA Title III-A will return to OESE.

A similar letter to higher education stakeholders asserted that funds for Historically Black Colleges and Universities, Tribal Colleges and Universities, Minority-Serving Institutions, community colleges, TRIO programs, and others will “continue to flow normally, and program functions will not be disrupted for current grantees.” The agency also states that “critical functions” in the Office of Career, Technical, and Adult Education “are not impacted” by the RIF. Instead, the agency argues, they are streamlining management and operations roles to reduce duplicative functions and remove “bureaucratic excesses.”

Lawmakers on Capitol Hill, however, have expressed skepticism about whether key functions at ED will truly be unimpacted by the RIF. Senators Patty Murray (D-WA) and Tammy Baldwin (D-WI), along with Rep. Rosa DeLauro (D-CT) wrote to Secretary of Education Linda McMahon Monday asking for more information on how the obligations of the Department would be met, especially with respect to oversight and reporting. Republicans in Congress, too, were wary about the impact. Senator Shelley Moore Capito (R-WV) told reporters she agrees with the effort to “send education back to the States” and assumes ED will meet its obligations, but that if “things start to fall through the cracks, we might have a different response.” Meanwhile, Senator Bill Cassidy (R-LA), who chairs the Senate Committee with jurisdiction over education, said that McMahon promised cuts would not impede ED’s “ability to carry out its statutory obligations.”

And later this week, Democratic lawmakers in the House Committee on Education and Workforce introduced a resolution requesting on behalf of the Committee that ED submit all documents related to the proposed closure of the agency as well as any that refer to decisions made by the White House or ED on how it will meet requirements of federal laws, including the Individuals with Disabilities Education Act, the Higher Education Act, and ESEA. If the Committee does not mark up the resolution within 14 days, a member can bring a motion to discharge it to the floor of the House, where it would receive a vote from the full chamber.

[The letter from lawmakers is here](https://www.appropriations.senate.gov/imo/media/doc/250317_letter_to_ed_final_re_rifs.pdf).

Author: JCM

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Contributors: Julia Martin, Kelly Christiansen

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