The Bruman Group, PLLC logo, address, and contact information
1120 20th St, NW, Suite 740 Washington, D.C. 20036
Phone: 202.965.3652
Fax: 202.965.8913
bruman@bruman.com
www.bruman.com
Fax: 

# **The Federal Update for March 28, 2025**

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

Re: Federal Update

Date: March 28, 2025

[Legislation and Guidance 1](#_Toc194061422)

[ED Warns States and Districts on FERPA 1](#_Toc194061423)

[News 2](#_Toc194061424)

[Lawsuits Filed Over ED Reductions in Force and Related EO 2](#_Toc194061425)

[Faculty Unions Sue Administration Over Grant Cuts to Columbia 3](#_Toc194061426)

## Legislation and Guidance

### ED Warns States and Districts on FERPA

In a letter and notice sent to State and local educational agencies today, Secretary of Education Linda McMahon announced a new interpretation of the Family Educational Rights and Privacy Act (FERPA), saying it should be applied “correctly to uphold, not thwart, parents’ rights.”

McMahon writes that many States and school districts have constructed policies that “presume children need protection from their parents” and use secrecy to “facilitate ideological indoctrination in a school environment without parental interference,” including with respect to “gender ideology” and “critical race theory” while instructing teachers to “conceal student’s [sic] critical information in student records from their parents.”

McMahon cites a recent meeting with “detransitioners” – formerly trans individuals – suggesting that schools hid information from parents while making efforts to “promote and enable” gender transitioning of students. “Schools should not treat parents as enemies just for wanting to know about the mental and physical health and safety of their own children,” McMahon wrote.

The notice suggests that all records related to a student, including those regarding gender, should be considered part of an “educational record” that parents have a right to inspect under FERPA. The letter also states that student safety concerns may require disclosures, for example while disciplinary sanctions imposed are confidential, “schools should not withhold information from parents that identifies other students who have made death threats against their children.” Additional information which would impact student movement, like protective orders, should also be disclosed, the letter says.

The notice additionally calls out requirements to notify parents of their rights as well as provide access to military recruiters. States must submit documentation to the U.S. Department of Education (ED) by April 30th regarding trainings and compliance.

This letter comes as ED has announced investigations into multiple States with policies which do not disclose information on gender transition to parents, arguing this is a violation of FERPA. Student and LGBTQ advocates have long noted that rates of homelessness and suicide among LGBTQ youth are particularly pronounced, in part because parents do not accept a child’s sexuality or gender identity.

[The letter and notice are available here](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Secretary_Comb_SPPO_DCL_Annual%20Notice_0.pdf).

Author: JCM

## News

### Lawsuits Filed Over ED Reductions in Force and Related EO

Two lawsuits were filed on Monday against President Trump’s March 20th Executive Order (EO) directing the Secretary of Education to facilitate the closure of the U.S. Department of Education (ED) and ED’s recent reductions in force resulting in the firing of approximately half of the agency’s employees. The American Association of University Professors, the American Federation of Teachers, and several school districts filed one lawsuit, while the second filing was submitted by the National Association for the Advancement of Colored People (NAACP), the National Education Association (NEA), and other organizations.

The two lawsuits make similar legal arguments, including that the closure of ED and related actions, including the reductions in force, exceed the President’s authority, as ED and most of its offices are statutorily required under the Department of Education Organization Act. The plaintiffs argue that the administration’s actions leave ED unable to faithfully execute its required duties to administer programs under all major federal education statutes. In addition, the lawsuits claim that the EO and related reductions in force violate several provisions of the Administrative Procedure Act. The organizations argue that the actions are in excess of statutory authority, contrary to current law and constitutional right, and arbitrary and capricious.

The NAACP and NEA claim in their lawsuit that while the President has not closed ED, recent reductions in force are “a de facto dismantling of the department by executive fiat.” Both sets of plaintiffs are seeking for the judges to declare the EO and ED’s March 11th reduction in force unconstitutional and unlawful and to prohibit the administration from carrying out both actions.

A related lawsuit was filed earlier this month by 21 Democratic State attorneys general against ED’s March 11th reduction in force.

Resources:

Alan Blinder and Michael C. Bender, “Teachers Unions Sue Trump Administration Over Push to Shut Education Dept.,” *New York Times*, March 25, 2025.

Ben Unglesbee, “AAUP, AFT sue to block Education Department dismantling,” *Higher Ed Dive,* March 24, 2025.

Author: KSC

### Faculty Unions Sue Administration Over Grant Cuts to Columbia

On Tuesday, the American Association of University Professors (AAUP) and the American Federation of Teachers (AFT) filed a lawsuit against the Trump administration over the termination of around $400 million in federal grant funds for Columbia University and a threat to cancel all federal funding unless the administration’s demands are met.

The lawsuit stems from a Title VI civil rights investigation by the U.S. Department of Education (ED), which was announced after the President issued an Executive Order titled “Additional Measures to Combat Anti-Semitism,” and the same day as the U.S. Department of Justice created a multi-agency taskforce to carry out the order, with a focus on institutions of higher education. Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin, and the administration said that “widespread antisemitic harassment has been reported” at Columbia University.

While the University responded that it condemned all forms of discrimination, three weeks later the administration announced that it was cancelling nearly $400 million in federal grants and that more cancellations would follow due to the University’s “continued inaction” to address antisemitism. Days later, the administration sent a letter to the University with nine demands, including a mask ban and termination of disciplinary processes, to be completed within one week. The University implemented most of the demands, but the administration called this only a “first step” and has not released the cancelled funding nor withdrawn threats to terminate additional funding.

The lawsuit says that the administration’s actions violate Title VI, which requires providing notice, allowing for a hearing, and other steps before cancelling funding. The administration, they argue, has not yet made a “reasoned determination” on whether the University’s responses to complaints of antisemitism were consistent with the requirements under Title VI. In the complaint, the unions also state that the administration’s actions are a threat to academic freedom and violate the First Amendment’s free speech protections, since multiple professors have engaged in “self-censorship” due to the fear of retaliation.

The AAUP and AFT also argue that the termination and threats violate the separation of powers, the Spending Clause, and due process requirements. Additionally, they reference the almost 60 other universities that are under investigation by the administration and say that they are also at risk of enduring similar illegal actions.

Columbia University reports that the termination of funding has already caused severe damage and “hobbled crucial public health efforts including research to prevent Alzheimer’s Disease, to ensure fetal health in pregnant women, and to cure cancer.”

The complaint asks the court to find that the termination of funds was unlawful and to issue a preliminary and permanent injunction requiring the administration to restore grants and contracts and cease any future cancellation of funding.

[The complaint can be viewed here.](https://protectdemocracy.org/wp-content/uploads/2025/03/AAUP-AFT-v-DOJ-Complaint.pdf)

Author: BTW

***The Federal Update has been prepared to inform The Bruman Group, PLLC’s legislative clients of recent events in federal education legislation and/or administrative law. It is not intended as legal advice, should not serve as the basis for decision-making in specific situations, and does not create an attorney-client relationship between The Bruman Group, PLLC and the reader.***

© The Bruman Group, PLLC 2025

Contributors: Julia Martin, Kelly Christiansen and Brandi Wills

Posted by the California Department of Education, March 2025