

EducationCounsel Alert for September 17, 2025

This EducationCounsel Alert shares updates about various recent actions by the federal government relevant to education, including:

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We recently published our latest [Quarterly Federal Policy Update](#), which provides a deeper understanding of key early childhood, K-12, and higher education policy priorities that have been advanced at the federal level by the Administration and Congress over the past quarter (through 9/4/25) and how they could continue to play out in the coming months. The update begins with an overall summary of actions taken to advance ten critical Trump Administration priorities.

You can also find summaries and brief analysis of many other developments in our ongoing [Executive Actions Chart](#), which is continuously updated. All of our summaries and analysis of the Administration's executive actions are available in one place by [clicking here](#). Please note that these developments are sometimes changing rapidly, and *this Alert and all our materials are meant to provide general guidance and do not constitute specific legal advice.*

FUNDING UPDATES

As we near the 9/30/25 close of the 2025 federal fiscal year (FY25), the Administration is taking a range of actions regarding remaining FY25 funds, including delivering previously delayed funds, announcing new grant competitions, and informing existing grantees of continuation decisions for multiyear projects—as well as cancelling existing grants, reprogramming funds from one program to another, and *possibly* planning to impound some funds and/or issue “pocket rescissions.” Over the next few weeks, we will learn how the Administration is approaching additional pots of funds about which there has not yet been any action taken. For example, according to recent [reporting](#), nearly \$660 million in TRIO funding has not been distributed yet. (See items #1 through #3 below for some specific FY25 developments.)

Meanwhile, Congress is racing toward the start of the new fiscal year without an immediate path to finalizing a FY26 budget in time. The two remaining options are agreeing to a Continuing Resolution (CR) to keep the government funded while the appropriations process continues or entering a government shutdown of non-essential federal government services. (See items #4 and #5 below for some specific FY26 developments.)

1. USED Ends FY25 Discretionary Funding to Minority-Serving Institutions Grant Programs

On 9/10/25, USED [announced](#) that it would end discretionary funding to several Minority-Serving Institutions (MSI) grant programs that it alleges are unlawful. According to USED, these programs authorized by Congress in the Higher Education Act (HEA) “discriminate by conferring government benefits exclusively to institutions that meet racial or ethnic quotas.” USED’s funding actions follow DOJ’s July [decision](#) *not* to defend the legality of Hispanic-Serving Institutions (HSI) programs in a new lawsuit brought by the state of Tennessee. USED expanded on this position to say that *all* MSI programs “have similar issues” as HSIs, and the Department would “us[e] its statutory authority” to instead reprogram the discretionary grant funds. (The announcement noted that several MSI programs would continue to receive *mandatory* funding because USED does not have the same level of discretion over those funds, not because they hold a different view about the legality of those programs.)

The following MSI programs will no longer receive the approximately \$350 million remaining in FY2025 funds:

- Strengthening Alaska Native and Native Hawaiian-Serving Institutions (Title III Part A);
- Strengthening Predominantly Black Institutions (Title III Part A);
- Strengthening Asian American- and Native American Pacific Islander-Serving Institutions (Title III Part A);
- Strengthening Native American-Serving Nontribal Institutions (Title III Part A);
- Minority Science and Engineering Improvement (Title III Part E);
- Developing Hispanic-Serving Institutions (Title V Part A); and
- Promoting Postbaccalaureate Opportunities for Hispanic Americans (Title V Part B).

Instead, USED [announced](#) on 9/15/25 that it has cut those grants and \$145 million more to provide a one-time funding supplement of \$495 million to Historically Black Colleges and Universities (HBCUs) and Tribally Controlled Colleges and Universities (TCCUs). The additional funds were cut from [International and Foreign Language Education](#) programs (\$85 million) and the [Teacher Quality Partnership](#) grants program (\$59 million). (See the following item for more on USED’s funding decisions.)

2. USED Reprograms FY25 Funds to Increase Funding for Charters and Civics

In the same 9/15/25 [announcement](#) about the HBCU/TCCU funding, USED also announced that it has cut additional FY25 funds from a set of USED grant programs to provide more funding to two of the Administration’s priorities: civics education and school choice (here, via charter schools):

- The Department is moving \$137 million to the [American History and Civics Education program](#) to supplement its Congressionally-appropriated budget of only \$23 million. According to Politico’s [reporting](#) (subscription required), USED cut funding from two teacher preparation grant programs to create this supplement: the [Supporting Effective Educators Development program](#) and the [Teacher and School Leader Incentive](#) program. Both were among the early targets of the [DOGE-led grant cancellations](#) at USED and the Institute for Education Sciences.

- The \$60 million increase to the [Charter School Programs](#) was [first announced on 5/16/25](#), but at the time, USED did not disclose the source of the funding. Politico identifies the sources as \$31 million from the [Ready to Learn Programming](#), \$15 million from the [Magnet Schools Assistance Program](#), \$9 million from the [Jacob K. Javits Gifted and Talented Students Education Program](#), \$3 million from the [Statewide Family Engagement Centers Program](#), and \$2 million from the [Assistance for Arts Education Program](#).

As explained in our [3/28/25 Deep Dive](#), the FY25 Continuing Resolution (CR) provided the Administration with flexibility to move funding around within particular appropriations accounts for those grant programs lacking a specified funding level in the CR. USED was supposed to submit to Congress by the end of April a detailed operating plan that explained if and how the Administration would reprogram funds in this way. USED has still not publicly released that operating plan, and until this 9/15/25 press release, the Administration had not pointed to any such reprogramming of funds.

3. USED Ends FY25 Funding to Some Special Education Discretionary Grants

According to [reporting](#), on 9/5/25 USED notified 25 grantees it will not continue funding their Individuals with Disabilities Education Act (IDEA), Part D grants, impacting \$14.8 million in anticipated funding for special education national activities in FY26. (This action impacts a smaller number of Part D grants than advocates originally feared.) The non-continuation notices cited language from grantee applications that referenced concepts related to diversity, equity, inclusion, and accessibility in programmatic or organizational activities (such as staff professional development). According to a table of [justifications](#) included in EdWeek's reporting, USED's rationale for discontinuing included statements that grant activities "may conflict with the Department's policy of prioritizing merit, fairness, and excellence in education" and, in at least one case, "violate the letter or purpose of Federal civil rights law." Affected grantees were provided seven days to file an appeal.

4. House Proposes Short-Term Continuing Resolution for FY26 through November 21

On 9/16/25, the House Republicans released text of a proposed short-term continuing resolution for FY26 to keep the federal government operating through 11/21/25 while Congress continues to negotiate a potential FY26 appropriations agreement ([full text](#); [section-by-section](#)). The proposal was drafted solely by Republicans. (There has been some reporting that the Democrats may introduce their own competing version.) Although a CR can pass the House with a bare majority—and thus with only Republican votes—it will require 60 votes in the Senate—and thus can only become law with some Democratic Senators voting for it.

5. House Appropriations Committee Approves FY2026 Labor/HHS Bill

On 9/9/2025, the House Appropriations Committee [approved](#) by a vote of 35 to 28 the FY26 Labor, Health and Human Services, Education, and Related Agencies (Labor/HHS) Appropriations bill. Separate summaries of the bill were drafted by [Committee Republicans](#) and by [Committee Democrats](#). Below are some of the proposed funding levels for USED overall and for key early learning, K-12, and higher education programs included in the FY26 House bill, as well as current funding levels, the President's budget request, and the [FY26 Senate Labor/HHS Appropriations bill](#).

Topic Area	Select Programs	Current Funding Levels*	President's Budget Request	Senate Bill Funding Levels	House Bill Funding Levels
USED	Overall funding levels for USED's budget	\$79 billion	\$66.7 billion	\$79 billion	\$66.7 billion
Early Childhood Education	Child Care & Development Block Grant (CCDBG)	\$8.7 billion	\$8.7 billion	\$8.8 billion	\$8.7 billion
	Head Start	\$12.3 billion	\$12.3 billion	\$12.4 billion	\$12.3 billion
	Preschool Development Grant Birth through Five (PDG B-5)	\$315 million	Eliminated	\$315 million	Eliminated
	Child Care Access Means Parents in Schools (CCAMPIS)	\$75 million	Eliminated	\$75 million	Eliminated
K-12 Education	Title I	\$18.4 billion	\$18.4 billion	\$18.5 billion	\$13.7 billion
	Title II - Supporting Effective Instruction State grants	\$2.2 billion	Eliminated	\$2.2 billion	Eliminated
	Title III - English Language Acquisition	\$890 million	Eliminated	\$890 million	Eliminated
	Title IV - Student Support and Academic Enrichment	\$1.4 billion	Eliminated	\$1.4 billion	\$1.4 billion
	State Assessments	\$380 million	Eliminated**	\$380 million	Eliminated**
	Education for Homeless Children and Youth	\$129 million	Eliminated	\$129 million	\$129 million
	21st Century Community Learning Centers	\$1.3 billion	Eliminated	\$1.3 billion	\$1.3 billion
	Migrant Education - State Agency Programs	\$376 million	Eliminated	\$376 million	Eliminated
Student Financial Assistance	Pell Grants (maximum)	\$7,395	\$5,710	\$7,395	\$7,395
	Federal Work-Study	\$1.2 billion	\$250 million	\$1.2 billion	\$779 million
	Supplemental Educational Opportunity Grant	\$910 million	Eliminated	\$910 million	Eliminated
Other Education Programs	Institute for Education Sciences	\$793 million	\$261 million	\$793 million	\$740 million
	Office for Civil Rights	\$140 million	\$91 million	\$140 million	\$91 million

* Note that current funding levels refers to the FY25 Continuing Resolution funding level or the FY24 (depending on the program), given that USED has not published its final FY25 spending plans.

** Every Student Succeeds Act (ESSA) requires annual statewide assessments only if Congress appropriates a minimum amount of funding (\$369.1 million). So the House bill, if enacted, would also lead to the removal of this federal testing requirement.

POLICY UPDATES

6. Courts Halt Changes to Immigrants' Eligibility for Federal Public Benefits

Two federal courts have partially and temporarily halted the Administration's attempt to exclude undocumented immigrants from some federal public benefits, including Head Start and dual enrollment. (See our recent Deep Dive, "[Who Benefits?](#)" for more information on this topic.)

On 9/10/25, a federal court in Rhode Island issued a [preliminary injunction](#) in a [lawsuit](#) brought by twenty-one state attorneys general to challenge the reinterpretations by HHS, USED, DOL, and DOJ of what counts as "federal public benefits" under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, sometimes referred to as "the 1996 welfare law"). The injunction halts any enforcement of the four agencies' reinterpretations while the lawsuit proceeds to a final resolution, but only in the plaintiffs' states.¹ (The Administration may choose to extend non-enforcement to include non-plaintiff states while it appeals.)

In a separate lawsuit brought by parent groups and state Head Start Associations challenging a variety of Administration actions regarding the Head Start program, a federal judge in Washington issued a [preliminary injunction](#) on 9/11/25 that also halts any enforcement of HHS's reinterpretation of Head Start eligibility. The judge granted a *nationwide injunction* staying enforcement of the HHS reinterpretation solely as to Head Start programs. The court stated that this broad-based relief was necessary because the plaintiffs' members included Head Start programs that serve children in multiple states—including families who are highly migratory due to agricultural occupations. (For more details on the Head Start litigation, please find a litigation summary [here](#).)

The enforcement landscape may change as the Administration responds to these two injunctions, but currently, it can be summarized as follows:

- **Enforcement is halted while the two lawsuits proceed as follows:**
 - HHS/USED/DOL/DOJ cannot enforce any of their reinterpretations in the 20 states and D.C. that sued.
 - HHS cannot enforce its reinterpretation of Head Start eligibility anywhere.
- **Enforcement can potentially begin as follows:**
 - USED/DOL/DOJ can enforce their reinterpretations in the other 30 states and territories that did not sue.
 - HHS can enforce its reinterpretation of eligibility for HHS programs *other than Head Start* in the other 30 states and territories that did not sue.²

¹ Plaintiff states include: California, New York, Connecticut, Colorado, Delaware, D.C., Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin.

² Besides Head Start, HHS identified the following programs as newly included in the list of excluded benefits: Title X Family Planning Program; Title IV-E Educational and Training Voucher Program; Community Services Block Grant (CSBG); Health Center Program; Substance Use Prevention, Treatment, and Recovery Services Block Grant; Community Mental Health Services Block Grant; Projects for Assistance in Transition from Homelessness Grant Program; Certified Community Behavioral Health Clinics; Mental Health and Substance Use Disorder Treatment, Prevention, and Recovery Support Services Programs administered by the Substance Abuse and Mental Health Services Administration; Title IV-E Prevention Services Program; Title IV-E Kinship Guardianship Assistance Program; and Health Workforce Programs.

7. USED Finalizes Three Supplemental Grant Priorities and Proposes One New Priority

On 9/9/25, USED [published](#) final versions of three supplemental grant priorities that can be incorporated in the design of the agency's *competitive* grant programs, as opposed to *formula*-funded programs like Title I. This initial group includes priorities for "[Promoting Evidence-Based Literacy](#)," "[Expanding Education Choice](#)," and "[Returning Education to the States](#)." (A fourth priority about "[Advancing Artificial Intelligence in Education](#)" was proposed in July and has not yet been finalized.) The notice announcing the final versions summarizes over 1500 public comments and USED's reactions to them, which included making nine relatively minor changes.

On 9/17/25, USED [announced](#) it was proposing a [fifth priority](#): "[Promoting Patriotic Education](#)." This priority would "focus grant funds on programs that promote a patriotic education that cultivates citizen competency and informed patriotism ... and communicates the American political tradition to students at all levels." The proposal also includes definitions for "patriotic education" and "American political tradition." Public comments can be [submitted](#) until 10/17/25.

For more on this topic in general and the five priorities in particular, see our [updated Deep Dive](#).

- The three finalized priorities are already being used in new grant competitions. On 9/11/25, USED announced two new competitions for the Education Innovation and Research (EIR) grant program: [expansion](#) grants and [mid-phase](#) grants. Both incorporate an absolute priority for evidence-based literacy instruction and two competitive preference priorities, one for state-led proposals and one drawn from the list of options under the education choice priority, namely "expand[ing] access to education services that accelerate learning such as high-impact tutoring."

8. USED and HHS Release Updated Regulatory Agenda to Codify Administration's Agenda

On 9/4/25, the Office of Information and Regulatory Affairs (OIRA) released the updated [Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions](#), providing the public with a window into forthcoming rule-making actions by federal agencies. [USED's](#) contribution to the agenda includes ten planned regulations (with potential timelines) that, depending on their final form, could result in significant changes to a wide swath of education policy and civil rights enforcement. [HHS's](#) longer list of regulatory actions includes two of particular relevance to early childhood and child care. Four of the items listed are appearing on the agenda for the first time: CCDF, Head Start, disparate impact, and Title VI/IX procedures.

- [Changes](#) to **Child Care and Development Fund (CCDF)** regulations to "increase parental choice and reduce burden in administering the CCDF program, expected from HHS in February 2026 (*first time listed*)"
- [Changes](#) to the **Head Start Program Performance Standards** to "reduce costs and burden for Head Start programs, as well as streamline and clarify requirements" and to "revise requirements for staff wages, benefits, family child care staff qualifications, and increase flexibility throughout the existing standards," expected from HHS in November 2025 (*first time listed*)
- [Removal](#) of the **disparate impact regulations** implementing Title VI of the Civil Rights Act to "align Department regulations with Supreme Court precedent that requires Title VI violations to rest upon intentional discrimination," expected from USED in August 2025 (*first time listed*)
- [Changes](#) to administrative enforcement procedures of **Title VI and Title IX** of the Civil Rights Act of 1964 to "better ensure that such procedures are consistent with statutory requirements while streamlining the process by which OCR seeks termination of Federal financial assistance to institutions"

that intentionally violate Federal civil rights laws and refuse to voluntarily come into compliance,” expected from USED in September 2025 (*first time listed*)

- [Changes](#) to the **Protection of Pupil Rights Amendment (PPRA)** regulations to “facilitate parents’ rights to notice and opt-out opportunities with regard to specified school information collections,” expected from USED in September 2025 (previously listed)
- [Changes](#) throughout the **Family Educational Rights and Privacy Act (FERPA)** regulations to “update, clarify, and improve the current regulations by clarifying the definition of education record, the provisions governing non-consensual disclosure of personally identifiable information in education records to third parties (including commercial vendors), disclosures in response to law enforcement warrants or judicial subpoenas, and the complaint and investigation procedures and remedies that apply to the Department’s enforcement of FERPA,” expected from USED in January 2026 (previously listed)
- [Changes](#) under the **Innovative Assessment Demonstration Authority (IADA)** intended to support states in piloting and developing higher-quality assessment systems, expected from USED in September 2025 (previously listed)
- [Corrections](#) to **Impact Aid** regulations to better align with amendments to the Elementary and Secondary Education Act (ESEA) and additional possible amendments, expected from USED in July 2025 (previously listed)
- [Changes](#) to the **Public Service Loan Forgiveness (PSLF)** program regulations to “ensure that the definition of *qualifying employer* excludes organizations that engage in activities that have a substantial illegal purpose”; OIRA in its notice reflects that USED released an NPRM in August 2025 and expects rules to be finalized in October 2025, which would become effective 7/1/26 (previously listed)
- [Changes](#) to **higher education accreditation** to “clarify institutional flexibility to pursue changes of accreditors without prior Department approval and remove other burdensome requirements that erect barriers to entry for new accreditation agencies”; while the OIRA description states that a notice commencing rulemaking is expected from USED in September 2025 and publication of a Notice of Proposed Rulemaking in January 2026, no official announcement has yet been made concerning adding accreditation to the announced rulemaking committees scheduled to start this fall, so it remains to be seen whether this timeline will be met (previously listed)
- [Changes](#) to **Title IV of the Higher Education Act** rules to “address Title IV eligibility issues to remove requirements that unnecessarily target faith-based or for-profit institutions and interfere with efficient and beneficial mergers, sales, and transfers of institutions of higher education,” expected via USED negotiated rulemaking in October 2025 (previously listed)
- [New regulations](#) covering **reporting requirements of foreign gifts** or contracts under Sec. 117 of the Higher Education Act (HEA), expected from USED in September 2025 (previously listed)

Of note, USED’s regulatory agenda throughout the Biden Administration included [plans to codify](#) a definition of antisemitism as a prohibited form of discrimination under Title VI of the Civil Rights Act. The proposal is absent from the updated agenda. Most of the listed items have not yet been released for public comment. It is common for agencies to release notices of proposed rulemaking weeks or months later than the planned publication date outlined in the regulatory agenda. However, this time around, many agencies including USED are grappling with significant reductions in force that may impact the overall timeline of the regulatory process.

9. HHS Revises Grant Rules

For the third time this year, HHS released a new [Grants Policy Statement](#), which goes into effect on 10/1/25. Consistent with the “[Improving Oversight of Federal Grantmaking](#)” Executive Order (EO), HHS’s revised policy includes new language clarifying that grants can be terminated “if an award no longer effectuates...agency priorities,” and only specifies appeals rights for grants terminated for non-compliance. The policy also adds “agency priorities” to the list of factors used to make decisions about continuation funding for grants, replacing the “best interests of the federal government” factor listed previously.

Additionally, the policy adds new required civil rights assurances for grantees, including compliance with the “[Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#)” EO, and explicitly ties any violation of the terms to potential liability under the False Claims Act. The new policy applies to all sub-agencies that administer HHS awards, including the Administration for Children & Families (ACF), which [recently made changes](#) to its own grant Terms and Conditions.

Note that USED’s grant terms and conditions are generally governed by the Education Department General Administrative Regulations (EDGAR), but USED has not initiated any changes to EDGAR nor announced how it will implement the grantmaking EO. However, it has updated its “[Department Grant Discontinuation and Termination Processes](#)” website, which now explains that grants may be terminated if they conflict with the priorities of the current Administration, or not continued (in the case of a multiyear grant that is renewed each year) if they are not “in the best interest of the Federal Government.” The website also specifies that grantees have 30 days to appeal terminated grants while the timeline for appealing discontinued grants is dependent on the number of days specified in the discontinuation letter sent by USED to the affected grantee.

10. ACF Releases New Statement on Mission, Values, & Priorities

On 9/16/25, ACF released a [statement](#) of its mission, vision, values, priorities, and guiding principles that align with the Make America Healthy Again initiative. The announcement comes after the grantmaking EO discussed in item #9 above and states that ACF will focus on “enhancing oversight mechanisms,” “reinforcing fiscal responsibility,” and aligning future investments with agency priorities. The following summarizes the priorities:

- Early childhood investments that use evidence-based practices to improve child outcomes and offer choices to parents;
- Work requirements and supporting economic self-sufficiency;
- State innovation and decision making;
- Marriage as a foundation, respecting “human life,” the formation of two-parent families, and fatherhood initiatives;
- Research that aligns with [HHS’s Gold Standard Science](#) standards and these ACF priorities;
- Eliminating “gender ideology” and “DEI” from federal grants;
- Limiting participation to immigrants who are “qualified aliens” under PRWORA and collecting participant data from states and grantees to ensure compliance; and
- Addressing homelessness, crime, and substance use while avoiding “housing first” and “harm reduction” approaches.

Notably, some of these priorities are currently the subject of active litigation, including the Administration's efforts on DEI as well as their efforts to [reinterpret the provisions of PRWORA](#).

OTHER ALERT ITEMS

11. Other Significant Updates

All recent updates appear in the [Executive Actions Chart](#), but some of note include:

Federal Court Dismisses Virginia School Districts’ Challenge to USED “High Risk” Designations: On 9/5/25, a federal court dismissed two related lawsuits filed by [Fairfax County Public Schools](#) and [Arlington Public Schools](#) to challenge USED’s [placing](#) them on “high-risk” and “reimbursement payment” status for federal grants as a result of their policies governing transgender students’ rights (read more in our [9/4/25 Alert](#)). In dismissing the lawsuits, the court applied the Supreme Court’s recent ruling in *NIH v. American Public Health Association* that federal grantees seeking monetary relief about federal funding issues must file their claims in the Court of Federal Claims where they will be litigated as contract disputes with the federal government (read more in our [9/4/25 Alert](#)). The court dismissed the lawsuits “without prejudice,” which means the school districts can choose to refile their lawsuits in the same district court with amended complaints. On 9/11/25, Fairfax appealed the decision and on 9/15/25 [moved](#) for an emergency injunction while the 4th Circuit considered the appeal.

DOJ Weighs in on Parental Rights in Education: On 9/9/25, DOJ [issued](#) a memo to federal prosecutors and the FBI titled, “[Upholding Constitutional Rights and Parental Authority in America’s Education System](#).” The memo summarizes what Attorney General Bondi characterizes as “disturbing trend[s]” in the way K-12 public school systems have interacted with parents in recent years. Through the memo, the Attorney General also directs DOJ’s Civil Rights Division to “be alert to violations of parental rights and First Amendment liberties in educational settings” and U.S. Attorneys “to work with federal, state, and local partners to identify and respond to credible threats against parents and violations of their federal rights.”

Religious Liberty Commission Meeting Highlights Administration’s Education Agenda: On 9/8/25, President Trump [opened](#) the second meeting of the Religious Liberty Commission with remarks emphasizing the role of faith in his administration’s agenda, including an announcement of forthcoming guidance around religious expression in public schools (updating [guidance](#) issued under the Biden Administration). Other speakers throughout the day highlighted the Administration’s efforts to expand school vouchers, investigations of alleged antisemitism in K-12 and higher education institutions, and religious objections to COVID protocols and LGBTQ+ affirming curriculum content and school policies. The same day, the White House [announced](#) the “America Prays” initiative ahead of the 250th anniversary of the nation’s founding.

Supreme Court Declines to Intervene in South Carolina Title IX Gender Identity Case: On 9/10/25, the Supreme Court [declined](#) to grant South Carolina a stay of injunction pending appeal in an ongoing legal challenge against the state’s recent law requiring students to use bathrooms consistent with their sex assigned at birth. The 4th Circuit Court of Appeals had previously granted the plaintiff, a transgender high school student, a [preliminary injunction](#) for the duration of the proceedings (which now remains in place). Note that in declining to overturn the lower courts at this point in the litigation, the Supreme Court noted explicitly that it was not issuing a “ruling on the merits of the legal issues presented in the litigation.”

Department of Energy Will Not Move Forward with Title IX Sports Regulation: On 9/10/25, the Department of Energy (DOE) [announced](#) that it will not implement a directed final rule that required DOE funding recipients to allow athletes of one sex to try out for teams of the other sex if the recipient does not sponsor a team that aligns with their sex. In reversing course, DOE explained that “[t]he Department has decided to focus its limited resources on advancing other priorities.” The rule was originally [posted](#) for public comment on 5/16/25 and [delayed](#) 7/14/25; see our [7/14/25 Alert](#) for more context.

12. What’s Coming Next?

Our [Executive Actions Tracker](#) includes a comprehensive list of specific actions called for in President Trump’s various EOs affecting education. The table below highlights a few particularly significant *upcoming deadlines*. Consult the Tracker for a full list of the EOs’ requirements and deadlines.

Date	Executive Order	Action Expected
10/9	“Implementing The President’s ‘Department of Government Efficiency’ Workforce Optimization Initiative” EO	Directs the USDS [DOGE] Administrator to submit a report to the President regarding implementation of this order, including a recommendation as to whether any of its provisions should be extended, modified, or terminated.
10/20	“Advancing Artificial Intelligence Education for American Youth” EO	Requires the AI Task Force to work to ensure federal funding mechanisms, including discretionary grants, are ready for use in K-12 instruction following the Task Force’s formal announcement of the first slate of public-private partnerships.

DISCLAIMER: Consistent with our mission, EducationCounsel is working to update and support the field as federal actions consequential to education are unfolding. The information provided above does not serve as legal counsel and, given the pace of action, could be outdated quickly. Nonetheless we hope this information is helpful. If you have any suggestions or feedback please send it to info@educationcounsel.com. Updates in this Alert are current as of September 17, 2025 at 11:00 am ET.