

JUNE 5, 2025

# NEA WEEKLY LEGAL RUNDOWN

From the Office of the General Counsel

## Recent Executive Actions Impacting Education

### Proposing to Cut Department of Education's Funding by 15%

On May 30th, the Trump Administration released the final draft of its proposed [FY 2026 budget](#), revealing in greater detail its vision for “winding down” the Department of Education (ED). The proposal calls for a 15% reduction in ED’s budget, and suggests consolidating 18 ESEA programs and six IDEA programs into respective block grants to give states more spending flexibility. For higher education, it proposes a 23% reduction in Pell Grant funding (thereby eliminating 111,000 awards), an 80% reduction in Federal Work Study funding, and the elimination of TRIO grants.



#### Legally Speaking...

The Constitution grants Congress sole authority to appropriate and spend federal funds; a President’s budget is merely a proposal with no legal force. While it reflects the administration’s priorities, it rarely becomes law as written. Some administration officials have suggested that the President may have authority to withhold already-appropriated federal funds, but under existing constitutional law and the Impoundment Control Act, the President is bound to implement the budget as enacted by Congress, except in very limited circumstances.

### Targeting Columbia University's Accreditation Status Over Alleged Title VI Violation

On June 4th, ED [informed](#) the Middle States Commission on Higher Education that it found Columbia University in violation of Title VI for allegedly failing to address antisemitism and, as a result, argued that the University no longer meets the Commission’s accreditation standards. The Department of Health and Human Services issued a similar [statement](#) two weeks earlier announcing the findings of its investigation into Columbia’s alleged violation. These findings come despite the University’s [compliance](#) with the Trump Administration’s [demands](#).



#### Legally Speaking...

Only the Commission has the power to determine whether Columbia meets its accreditation standards. While ED can provide accreditors with findings from its own investigations, it cannot revoke accreditation status. As private organizations, accreditors conduct their own independent reviews, which [involve](#) gathering documentation and an onsite evaluation, to assess alleged noncompliance with federal law. Should the Commission find that Columbia violated Title VI, the University may receive a formal warning and be subject to additional monitoring. However, so long as Columbia can show that it is currently in compliance with federal law, the Commission will likely reaffirm its accreditation.

### Failing to Produce Annual Education Statistics Report

For the first time in [160 years](#), the federal government [did not produce](#) its annual “[Report on the Condition of Education](#),” missing the June 1st deadline. According to current ED employees, DOGE terminated the contracts of the contractors who help produce the report [in February](#) and then, as part of [mass staff reductions](#) in March, fired the employees responsible for the report in the National Center for Education Statistics, a division of the Institute of Education Sciences (IES).



#### Legally Speaking

The Education Science Reform Act requires ED, through IES, to produce the “Condition of Education” report annually and submit it to Congress by June 1st. ED’s failure to do so this year means it has failed to fulfill its statutory obligation.

## Abruptly Canceling Three TRIO Grants

On May 30th, ED [canceled](#) at least three grants for Upward Bound projects set to start on June 1st. Upward Bound is a TRIO program geared toward high school students who are either low-income or would be the first in their families to go to college. ED claims that these grants “violate the letter or purpose of Federal civil rights law; conflict with the Department’s policy of prioritizing merit, fairness, and excellence in education; undermine the well-being of the students these programs are intended to help; or constitute an inappropriate use of federal funds.”



### Legally Speaking

The President cannot cancel already-awarded grants based on his policy disagreement with the goals of the funded programs. Statutes and regulations allow ED to pull funding for an existing grant award only in limited circumstances and require that ED set the policy priorities for competitive grant awards through notice and comment rulemaking. Because the Department did not follow these procedures in terminating the Upward Bound grants, the cancellations likely violate the Administrative Procedure Act.

## Ordering New York State to Reverse Ban on Indigenous School Mascots

After opening an investigation in April, on May 30th, ED released a [statement](#) saying that it believes the New York State violated Title VI by banning school districts from using Native American mascots, logos, and team names. ED claims that, since the state still allows other mascots representing ethnic groups (like the “Dutchmen” and the “Huguenots”), New York’s policy unlawfully discriminates against “the history and culture of Native American tribes”—despite local tribes having [advocated](#) in favor of this ban. ED has directed state officials to repeal the ban and issue a letter of apology to local tribes by June 9th or risk referral to the Department of Justice and the loss of federal funding.



### Legally Speaking...

Title VI precedent does not support the conclusion that it is unlawful to prohibit the use of images and names that reflect racial stereotypes linked to histories of race-based discrimination. After four New York school districts sued the state over the ban last March, a federal judge [dismissed the case](#), finding that the districts lacked standing to assert First Amendment claims and failed to present sufficient evidence.

## Litigation Updates

### Appeals Court Denies Motion to Stay Preliminary Injunction in ED Shutdown Case

On June 4th, the 1st U.S. Circuit Court of Appeals unanimously [denied](#) the government’s motion to stay a [preliminary injunction](#) blocking its [efforts](#) to shutter the Department of Education (ED). The Court held that the Trump Administration failed to show how the public interest would be served by allowing a federal agency to be “unlawfully disabled” from fulfilling its legal duties, and did not provide evidence that mass layoffs would not impair the Department’s core functions.

### SCOTUS Rules in Favor Reverse Discrimination Claim

On June 5th, the U.S. Supreme Court issued a [unanimous ruling](#) in favor of a woman who alleges that she was denied a promotion for being straight. The Court struck down the background circumstances rule—which requires members of a majority group to meet a higher standard of evidence in discrimination cases—as a violation of Title VII, arguing that Title VII’s guarantee of equal protection for every individual makes it unconstitutional to impose special requirements for the majority group. The decision eases the path for reverse discrimination claims in 20 states and District of Columbia, where the background circumstances rule had been in effect.

### State Coalition Sues National Science Foundation Over Indirect Research Cost Policy

On May 28th, a coalition of 16 states filed a [lawsuit](#) against the National Science Foundation (NSF) over its [plan](#) to cap indirect research funding at 15% and its [mass termination](#) of grants related to DEI. The lawsuit argues that these actions violate the Administrative Procedure Act and the constitutional separation of powers. The 16 states have asked the court to block NSF’s indirect cost cap (which has been put on [pause](#) until June 13th) and its April directive barring diversity-related grants.

### PBS Sues Trump Administration Over EO Revoking Federal Funds

On May 30th, PBS filed a [lawsuit](#) challenging Trump’s [EO](#) that directs the Corporation for Public Broadcasting (“CPB”) and other federal agencies to stop funding NPR and PBS. The lawsuit argues that the EO’s attempt to revoke funds that Congress already appropriated for PBS stems from “a desire to alter the content of speech” and is “blatant viewpoint discrimination” in violation of the First Amendment. NPR and three public radio stations filed a similar [lawsuit](#) contesting the cuts three days earlier.