

New Executive Order Targets Equity Considerations in K-12 School Discipline



On April 23, 2025, President Donald J. Trump issued an Executive Order titled "Reinstating Common Sense School Discipline Policies," reversing prior policies adopted by Presidents Joe Biden and Barack Obama which sought to reduce racial disparities in K-12 school disciplinary actions such as suspensions and expulsions.

The Order criticizes prior guidance as "effectively requiring schools to discriminate on the basis of race by imposing discipline based on racial characteristics, rather than on objective behavior alone." According to the President, adherence to these policies has encouraged schools to ignore and cover up student misconduct, creating threats to children's safety and well-being in the classroom.

The Executive Order proposes to replace "unlawful 'equity' ideology" in school discipline with an objective, behavior-based approach through the following actions:

- Issuance of new guidance from the Secretary of Education to local educational agencies (LEAs) and state educational agencies (SEAs) regarding school discipline and their "obligations not to engage in racial discrimination under Title VI in all contexts, including school discipline"
- Authorization for the Secretary of Education to take "appropriate action" with respect to LEAs and SEAs that fail to comply with Title VI protections against racial discrimination in the application of school discipline
- Direction for the Secretary of Education and Attorney General to coordinate with State Governors and Attorneys General regarding prevention of racial discrimination in the application of school discipline

- Authorization for the Secretary of Defense to issue a revised school discipline code that protects and enhances the education of the children of America's military-service families
- Direction for the Secretary of Education, in coordination with the Attorney General, Secretary of Health and Human Services, and Secretary of Homeland Security, to submit a report to the President regarding the status of "discriminatory-equity-ideology-based school discipline and behavior modification techniques" in public schools, in order to ensure that federal funds do not support racially preferential policies

These actions will take effect within 30 to 120 days of the Order. A detailed summary of the proposed changes to K-12 student discipline policies can be accessed in the full text of the Order, [linked here](#).

The Executive Order on K-12 school discipline was one of six education-related directives issued by President Trump on Wednesday. Other changes affecting K-12 schools include the President's Executive Order titled "Advancing Artificial Intelligence Education for American Youth," which supports integration of AI literacy programs in schools through the development of a White House Task Force on AI Education. Additional information on this directive can be [accessed here](#).

Schools should stay up to date with evolving guidance and cooperate with state and federal authorities in the development of new discipline policies in order to avoid potential penalties, including loss of funding. SMGG will closely monitor developments in the school discipline guidance consistent with the Order.

For further information on these changes and the impact on schools, students and educators, please reach out to Alan Shuckrow at ashuckrow@smggglaw.com or Vivi Besteman at vbesteman@smggglaw.com.