

## **Trump's School Discipline Executive Order**

A preliminary analysis and summary of ["Reinstating Common Sense School Discipline Policies"](#)

### **Current Law and Order's Purpose**

The Trump Administration issued an Executive Order (EO) on April 23, 2025, directing several government agencies to take actions related to school discipline. The stated purpose of the order is to prevent schools from adopting policies intended to reduce the unequal rates of punishment for racial minority students.

Currently, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in any federally-funded program, including schools. Previous federal guidance under the Obama and Biden administrations told school districts that they may be violating federal law if they suspend and expel racial minority students at significantly higher rates than white students. This EO says the opposite: racially unequal rates of school discipline are not proof of discrimination, and attempts to address racially unequal outcomes are themselves discriminatory and illegal.

The EO claims to target the application of school discipline based on "equity ideology." It is not clear what, if any, actual school discipline practices would fall into this category.

### **Little to No Immediate Legal Impact**

There should be zero immediate legal impact of the EO on the day-to-day practice of discipline in schools. The EO does not claim to outlaw any particular practices within schools and would likely not have the legal power to do so, even if it tried. While there may be more concrete effects in the coming months, it is important to remember that the intent of the EO is likely primarily to scare people into compliance rather than using direct legal control.

### **Uncertain Future Effects**

First, the EO directs the Secretary of Education to issue new guidance to school districts within 30 days, regarding "their obligations not to engage in racial discrimination." It does not state what else the guidance should include, but we assume that it will be in line with the EO's theory that any attempts to address racially unequal outcomes are themselves racially discriminatory and thus illegal.

Generally, any guidance produced by the government on a 30-day timeline would not be legally binding. If the guidance issued by the Secretary of Education claims to be legally binding, it will likely be quickly challenged in court for not complying with the long process that the law requires.

Second, the EO calls for coordination with the Attorneys General of the states and for the Department of Defense to issue a new school discipline code for military schools, within 60 and 90 days, respectively.

Third, the EO directs the Secretary of Education to prepare a report within three months "regarding the status of discriminatory-equity-ideology-based school discipline and behavior modification techniques in American public education."

Again, such a report would likely not be legally binding but is clearly intended to scare non-profits that work on these issues by requiring "an assessment of the role of non-profit organizations that are Federal grant recipients in promoting" equity-based school discipline and recommendations to cut off their funding.