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**Executive Order Barring
Discrimination in U.S. Education**

*Presented by a diverse and award-winning
cadre of education leaders, advocates and
school officials*

Respectfully Submitted,
in partnership with:



Rationale: Federal education programs and funding disproportionately favor public school districts while discriminating against the choices and values of parents in states that allow the use of state education funds for alternative educational pathways for students beyond the assigned public schools. Programs like Title I, IDEA, Title II, and Title IV are often allocated directly to districts, enabling policies that restrict parental freedoms. Additionally, Title IX requirements force students of different genders to participate in sports together, frequently conflicting with the values and preferences of communities, schools, and parents.

State laws should dominate how and where federal monies and policies are directed. Therefore, the following Executive Order is proposed:

Equity and Anti-Discrimination in Education

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure the education, health, safety, and well-being of America's children, our most essential resource upon which the future of our great Nation depends, it is hereby ordered as follows:

Sec 1: Purpose

Federal education laws and programs continue to allow and even enable discrimination against students educated in non-traditional or non-district settings as provided under state law. Over the past two years, 18 states have passed or expanded laws granting parents greater educational choice, directing state and sometimes local funds to these options. However, federal policy and funding have not kept pace with these state-level advancements, despite education being a power reserved to the states under the 10th Amendment of the U.S. Constitution.

Some state laws mandate that districts provide commensurate federal funding to schools to which parents choose to send their students, however, federal policy and resulting funding often violates the intention of these state policies. ESAs, vouchers and scholarship programs today serve roughly 2 million children, but those students and the schools chosen by their parents are compromised by federal funding limitations.

For decades, federal policy has prioritized local education agencies and traditional school districts, excluding other schools sanctioned by state law and upheld by the U.S. Supreme Court. As a result, schools serving students outside of these districts receive, on average, 40% less funding than traditional public schools. This funding disparity disproportionately affects disadvantaged students who have left district schools due to their inability to provide adequate or exceptional education.

Students attending choice schools often have special needs and require alternative education opportunities. Despite state laws that provide for parental options, many are forced to stay in traditional public schools that do not serve them well because districts keep the federal funding that should follow the student for whom the funds were intended.

In addition, federal law discriminates against students by gender, forcing girls to play physical sports with boys and allowing boys to occupy private spaces that protect girls' unique bodily characteristics and functions.

Additional discrimination in education is occurring in sports, and among students with special needs.

Federal education programs and related funding favor public school districts and discriminate against the choices and values of parents whose states allow them to use education funds for alternative pathways outside of their zoned district schools. Title 1, IDEA, Title II and Title IV all, for example, direct education funds to districts which in turn create policies that are averse to parental freedoms. In addition, because of Title IX laws, students of different genders are forced to play sports with one another, often in violation of community, school or parental preferences.

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Sec 2. *To end discrimination against students in sports, students with special needs and parents making choices outside of predefined public schools in Federal law, the Education Secretary and related Cabinet officials shall take all necessary steps to:*

Direct all agencies with education programs, including the US Department of Education, to immediately end discrimination against women in sports by prohibiting any school that receives federal funding to permit boys to play women's sports;

Direct that all Local Education Agencies (LEAs) distribute an equal share of federal funding to schools serving students with special needs but that operate outside of the traditional public school system as provided for by state law, particularly schools serving neurodivergent students and students with special needs as defined by state law;

and

Ensure that federal funds do not discriminate against the choices of parents to send their students to schools that are not part of the public school system, including ordering that states ensure commensurate funding follow students to whichever school is chosen by their parents, if so sanctioned by state law.

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Sec. 3. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof;
or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

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