

Courts Block Trump From Withholding School Funds Over D.E.I., for Now

In three cases, federal judges paused the administration's effort to cut off money from public schools with diversity and equity programs.



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President Trump was dealt a setback in his plans for American public education, as three federal judges issued separate rulings on Thursday pausing his ability to withhold funds from schools with diversity and equity initiatives.

The rulings block the administration, at least for now, from carrying out efforts to cut off billions of dollars that pay for teachers, counselors and academic programs in schools that serve low-income children. Two of the judges who issued the decisions were appointed by Mr. Trump. A third was appointed by President Barack Obama.

The cases were brought by teachers' unions and the N.A.A.C.P., among others.

In one of the cases, Judge Landya B. McCafferty of the Federal District Court in New Hampshire said that the administration had not provided an adequately detailed definition of "diversity, equity and inclusion." She also said the policy

threatened to restrict free speech in the classroom, while overstepping the executive branch's legal authority over local schools.

The loss of federal funding “would cripple the operations of many educational institutions,” wrote Judge McCafferty, who was appointed by Mr. Obama.

The three rulings followed a demand earlier this month by the Trump administration that all 50 state education agencies attest in writing that their schools do not use certain D.E.I. practices. Otherwise, they would risk losing billions in Title I money, which supports low-income students.

The deadline for returning that document was Thursday, and about a dozen states, most of which lean Democratic, refused to sign.

In a separate ruling on Thursday, Judge Stephanie A. Gallagher of the Federal District Court in Maryland postponed enforcement nationwide of a memo the administration sent to schools in February, which said that federal civil rights laws ban certain D.E.I. efforts. Judge Gallagher, a Trump appointee, said the administration had not followed proper procedure in adopting a new legal framework.

A third judge, Dabney L. Friedrich of the Federal District Court in Washington, D.C., also paused enforcement of the D.E.I. policy, saying from the bench that it provided “no clear boundaries” for what did and did not constitute D.E.I. Judge Friedrich is also a Trump appointee.

These postponements will hold while the cases proceed. The Trump administration is expected to appeal any rulings against it.

The Department of Education did not immediately respond on Thursday to a request for comment on the rulings.

In issuing its ban on D.E.I., the administration had employed a novel legal strategy, arguing that the Supreme Court's 2023 decision banning affirmative action in college admissions also applied to K-12 education. The government has said that the ruling means public schools should end programs meant to serve specific racial groups.

The Trump administration has not offered a detailed definition of what it calls "illegal D.E.I. practices." But it has suggested that efforts to provide targeted academic support or counseling to specific groups of students, such as Black boys, amount to illegal segregation. The administration has also argued that lessons on concepts such as white privilege or structural racism, which posit that racism is embedded in social institutions, are discriminatory toward white children.

Several Republican-leaning states have signed the administration's letter attesting that they do not use certain D.E.I. practices. But many already had regulations in place restricting how race and gender could be discussed in schools.

North Carolina took a different approach. It signed the letter, but said it disagreed with Mr. Trump's interpretation of civil rights law, and argued that the attempted ban on D.E.I. had overstepped the department's authority.

"We will continue working to ensure fairness, remove barriers to opportunity, and make decisions based on merit and need," wrote Maurice "Mo" Green, the Democratic state superintendent, in a letter to Linda McMahon, the education secretary.

In a hearing in the New Hampshire case last week, Judge McCafferty noted that the administration had sought to ban lessons that caused white students to feel "shame."

She asked an administration lawyer whether students could still engage with history lessons that traced the concept of structural racism through events like slavery, Jim Crow and the Tulsa race massacre of 1921, in which a thriving Black neighborhood was destroyed by a white mob.

Would teaching such a class be illegal, she asked, if it caused a student to feel ashamed of that history?

A lawyer for the Justice Department, Abhishek Kambli, responded, “It goes toward how they treat the current students, not what they teach.”

Becky Pringle, president of the National Education Association, the lead plaintiff in that case, said, “Today’s ruling allows educators and schools to continue to be guided by what’s best for students, not by the threat of illegal restrictions and punishment.”

There were some bright spots for the government on Thursday. Judge Gallagher of the Maryland court declined a request from plaintiffs for the Trump administration to take down a website it created to collect reports from the public of D.E.I. practices in schools.

“The government is entitled to express its viewpoint on its website and to maintain a reporting portal,” Judge Gallagher wrote.

The future of Mr. Trump’s education agenda may be decided at the Supreme Court. Last year, the justices declined to hear a case on diversity efforts in the admissions system of a selective public high school in Virginia. That choice seemed to suggest that the court was not yet ready to make a statement on how its ruling against affirmative action in college admissions applied to K-12 education.

But Edward Blum, president of Students for Fair Admissions, the conservative legal group that brought the case challenging affirmative action, said he continued to believe the Supreme Court decision had set a precedent for the

entire education system, including K-12 public schools.

His group has filed an amicus brief in the New Hampshire suit, backing the Trump administration's reading of civil rights law.

“As some of the justices have signaled, it is my belief that the court is waiting for a case with the right procedural posture and factual record to address K-12 racial policies and programs,” Mr. Blum said.

Maya Shwayder contributed reporting.

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