



Connecticut Association of Boards of Education

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PRESENTS POLICY HIGHLIGHTS

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Policy-Related Legislative Update “Illegal” DEI

Amended Omnibus Education Bill Passes the House

While the current legislative session still has weeks to go, and a lot can change, it is noteworthy that the House passed a wide-ranging omnibus bill by a 128-20 vote. At a recent hearing focusing on a report by the Office of the Child Advocate, the Education Committee and the Committee on Children learned of gaps in the current system due to the lack of regulations and oversight to assist school officials and state agencies in ensuring homeschooled students don’t slip through the cracks.

In anticipation of the hearing and the report to be delivered, families of homeschooled children came to the state Capitol to oppose more stringent standards and oversight. According to a CT Mirror report, after the House vote, Education Committee co-chair Rep. Jennifer Leeper indicated no bill on this subject would be attempted this year. (Mark Pazniokas, *No CT homeschool regulation changes in omnibus education bill*. CT Mirror, May 13, 2025)

Representative Leeper foreshadowed her committee’s continuing work in this area, saying, “Now we’re going to do the public and methodical work to explore all those places where kids are slipping through and see what we can do next session to ensure all the children in Connecticut are safe.”

Delaying for another year the implementation of school racial imbalance law intended to address segregation in public schools, Representative Leeper expressed her concern that “This law has resulted in the breakup of our most integrated schools, which I don’t think was the intent of the law, and caused those five communities over many years a lot of challenges in trying how to best address that.” According to the CT Mirror article, those communities include Fairfield, Greenwich, Groton, Hamden, and West Hartford. The omnibus bill extends the deadline for the state to address imbalances to 2029.

The bill also includes a provision to postpone the kindergarten entry waiver deadline to 2027, when all children will be required to begin kindergarten if they are five by September.

Two other areas of this bill with policy implications have to do with establishing standards for school safety drills and directing local school districts to adopt personal technology device policies that address the use of such devices on school grounds and in classrooms. Whether those devices will be banned will be left to school districts. The State Board of Education has unanimously endorsed guidelines developed by the State Department of Education restricting cellphone use, and the CAFE policy department has developed a model policy aligning with those guidelines ([5131.81](#)).

As noted, there is still a way to go before this bill becomes a law, and a lot can happen as this session winds up on June 4th.

What is Illegal DEI?

The U.S. Department of Education has issued a series of directives in recent months aimed at eliminating what it calls “illegal DEI practices” from the nation’s schools. However, in its communications to educators, the Education Department hasn’t specifically defined what it considers “illegal DEI,” prompting confusion among educators about what exactly might run afoul of the orders and draw unwanted attention. The lack of clarity has also propelled court challenges that have seen early success. (Brooke Schultz, EdWeek, May 13, 2025)

Legal experts and education advocates have said the confusion is the point: That the vague language in the department’s guidance documents is meant to have a chilling effect on schools.

In recent weeks, however, the administration has begun looking toward K-12, where it has launched investigations on what the administration might consider “illegal DEI practices.”

According to a May 13th article in EdWeek, the Education Department opened two cases in Illinois in late April and early May targeting programs the department says violate Title VI, which prohibits race-based discrimination in federally funded programs. In one case, the agency alleged that the Evanston-Skokie school district has educators conduct “privilege walks” and has segregated affinity groups. A district spokesperson described this activity as a “lawful and important professional learning and student-focused initiative designed to advance the work of ensuring that all students have access and opportunity to a robust, high-quality education.”

The Department of Education also opened an investigation into Chicago Public Schools after the school board approved a “Black Student Success Plan,” arguing that by “focusing on remedial measures only for Black students,” it was discriminatory. The plan includes benchmarks such as hiring more Black male educators, accelerating Black students’ achievement growth, enhancing Black students’ sense of belonging, and reducing disciplinary actions against Black students.

In the same EdWeek article, the Department opened another investigation into the Ithaca City school district in New York over its Students of Color Summit events, arguing that the program excluded white students, according to the Ithaca Times. Sean Eversley Bradwell, president of the district’s school board, told the Times that the district welcomed the investigation, as the programs “do not exclude.” Bradwell added in a statement, “The 2024 event was created by students to support and affirm Students of Color, and all students, staff, and educators were invited to attend.” (Schultz, EdWeek, May 13)

Excluding one group of students from programs based on race is a violation of Title VI. In fact, the Biden administration issued guidance in 2023 saying schools could provide students of the same race or national origin opportunities to discuss those shared experiences together, but could not prohibit other students from participating.

While the Department of Education has done little to draft clear definitions that would guide districts on illegal DEI, these Department-initiated investigations continue to point to race-exclusive efforts running the risk of capturing its attention.

The Department's use of Title VI is similar to how it is wielding Title IX, the federal law barring sex discrimination. President Trump has issued orders to roll back protections for transgender students, and Linda McMahon's Department of Education has followed through by opening 27 cases over transgender student policies, mostly investigating school districts, according to EdWeek's tracker of Education Department investigations.

According to the same EdWeek article, Law experts have said the administration's interpretation of Title IX to prohibit transgender athletes from joining girls' and women's teams and accessing girls' bathrooms and locker rooms has not been settled by the courts and that the law has never been found to require the exclusion of certain students.

Though courts have paused many of the Education Department's anti-DEI efforts, the threat of opening new probes has had a chilling effect on districts across the nation. By not providing a clear definition of "illegal" DEI practices and taking the unprecedented act of investigating districts without an allegation or complaint, districts are left on their own to determine whether programs that promote inclusion and belonging run afoul of the Trump administration's war on DEI.

Approximately 5% of teachers, school leaders, and district leaders said their district's emphasis on programs that incorporate DEI had completely stopped since Trump took office, according to a nationally representative, EdWeek Research Center survey conducted from March 26 to April 22. Another 10% said the focus had "decreased." But a majority of respondents, 84%, said their district's emphasis had stayed the same. According to the survey, the larger the district, the more likely educators were to say there had been a decrease in emphasis on DEI, which included responses from 719 educators.

Twenty percent of educators in districts of 10,000 or more students said their district had decreased its emphasis on programs incorporating DEI since the start of the second Trump administration, compared with 9% from districts of 2,500 to 9,999 students and 4% from districts of fewer than 2,500 students.

Educators from urban school districts were also more likely than their counterparts from suburban and rural districts to report a decrease.