



CBCF EXECUTIVE ORDER TRACKER

Expanding Educational Freedom and Opportunity for Families

Executive Order #14191

POLICY UPDATE

Background

- School choice originated in the South in the 1950s as a mechanism to preserve racial segregation in the education system. In order to defy the [Brown v. Board of Education](#) ruling that required public schools to racially integrate, states like Georgia and Alabama funded [tuition grants](#) for white students who could not otherwise afford to attend segregated private schools. In recent years, school choice has become a popular vehicle for educational opportunity in Black communities. A 2021 survey found that [75%](#) of Black parents wanted the power to choose their child's public school. In fact, during the 2022-23 school year, Black charter school enrollment [increased by 6%](#).
- On January 29, 2025, President Trump signed an [executive order](#) to expand school choice programs by encouraging states to use federal funds to support K-12 educational choice initiatives, including charter schools, private school scholarships, and education savings accounts (ESAs). While proponents of school choice argue that this executive order provides options to students in areas with failing public schools, it has negative implications for Black students and families. Unlike public schools, charter and private schools often operate with fewer regulations, [leading to disparities](#) in disciplinary outcomes and curriculum quality that disproportionately impact Black students. Additionally, increased federal funding for school choice programs often results in the allocation of fewer resources to traditional public schools, which serve the majority of Black students.

POLICY UPDATE

Current Landscape

- This executive order is not presently facing any legal challenges. However, the U.S. Supreme Court recently ruled on a case with significant implications for school choice. [*St. Isidore of Seville Catholic Virtual School v. Drummond*](#) focused on whether an online Catholic school in Oklahoma could be recognized as a charter school. The Oklahoma Supreme Court ruled that St. Isidore could not be recognized as a charter school because the state Constitution prohibits the allocation of public resources to establish religious institutions. The school appealed the decision, and the U.S. Supreme Court heard the [case](#) in April. In oral arguments, the school's attorneys argued that the Oklahoma Supreme Court's ruling violated the students' right to freely exercise their religion. While this case focused on issues related to the separation of church and state and the freedom of religion, it had broader implications for school choice advocates and students of color.
- On May 22, 2025, the U.S. Supreme Court deadlocked [4-4](#), which codified the Oklahoma Supreme Court's decision to prohibit St. Isidore from receiving a charter school designation. Justice Amy Coney Barrett recused herself from the proceedings without explanation, prompting an even split. [Legal experts](#) predict that the Supreme Court will hear future cases on school choice and religious institutions. With all the justices voting, the outcome would likely change.
- Future rulings on school choice could significantly impact racial equity in all schools. A [2022 study](#) shows that, when unregulated, school choice programs can reinforce racial segregation and funnel Black students into under-resourced schools. Two-thirds of [U.S. private schools](#) have a religious affiliation, which has excluded them from receiving state and federal funding.

POLICY UPDATE

Current Landscape

- In light of President Trump's school choice executive order making it easier for charter schools to access federal funds, and the federal government's [\\$60 million increase](#) in funding for charter schools, this ruling will have significant implications for school budgets. If the Supreme Court rules to allow religious institutions to apply for charter school status, millions of dollars will be stripped away from public schools.
- Future cases on school choice could also shape the future of education for disabled students. Private and charter schools are not required to accept or offer services to students with disabilities.
- With this executive order, federal funding for disabled students will be stretched even further than before. In the 2020-21 school year, Black students made up [17%](#) of students who received federal resources through the Individuals with Disabilities Education Act (IDEA). Many of these students have conditions that will prevent them from participating in school choice programs and will be negatively impacted by the Department of Education (ED) [budget cuts](#) that the Trump Administration has outlined.

