

## MEMORANDUM

**TO:** Local School Board Members  
District Superintendents  
Federal Program Directors

**FROM:** Ellen E. Weaver  
State Superintendent of Education

**DATE:** February 18, 2025

**RE:** Update on Federal Education Policy Changes

The new year has commenced with a whirlwind of K-12 education-related activity in Washington. We recognize that policy shifts at the national level naturally generate questions from parents and educators across the state.

While many details remain to be ironed out as key personnel at the U.S. Department of Education (including a new Secretary of Education) are yet to be confirmed, our state's unwavering priority is to ensure that schools remain laser-focused on advancing student achievement.

Sadly, we know others may seek to spread irresponsible speculation, which makes it even more essential for us as education leaders to remain grounded in facts. To that end, the South Carolina Department of Education (SCDE) will continue to provide clear, practical guidance on federal policies impacting K-12 education whenever confirmed information is available.

We will remain in regular communication with policymakers in Washington, other state education chiefs and their teams, and our partners here in South Carolina to ensure that our Palmetto State students are positioned to thrive.

### **U.S. Department of Education's 2024 Title IX Rule**

In previous memos dated [April 23, 2024](#), [July 2, 2024](#), [July 31, 2024](#), and [August 27, 2024](#), we have kept you informed of litigation surrounding a new Title IX rule that was intended to go into effect in 2024 but was stayed by federal courts.

On February 4, 2025, the Office for Civil Rights of the United States Department of Education issued a [Dear Colleague Letter](#) regarding the subject rule, instructing that as a result of the January 9, 2025 decision from the United States District Court for the Eastern District of Kentucky "no portion of the 2024 Title IX Rule is now in effect in any jurisdiction."

This is a significant victory for girls' privacy and safety, common sense, and biological reality in South Carolina schools.

### **Presidential Executive Orders**

President Donald J. Trump has issued several Executive Orders with implications for South Carolina public schools, as recipients of federal funds. In general, current South Carolina law largely reflects key provisions of these Executive Orders already.

1. The [\*\*Defending Women from Gender Ideology Extremism & Restoring Biological Truth to the Federal Government Executive Order\*\*](#) (*January 20, 2025*) establishes definitions related biological sex and “gender ideology” and directs that “Federal funds shall not be used to promote gender ideology.”
  - This Executive Order does not contradict and in fact reinforces existing state law (e.g., [S.C. Code Ann. § 59-32-36](#)), which as we noted in this [prior SCDE memorandum](#), sets forth requirements for South Carolina education professionals when it comes to the biological sex and gender identity of minor students.
  - Within 30 days of January 20, 2025, the Secretary of Health and Human Services is directed to “provide the public clear guidance expanding on the sex-based definitions set forth in this order.”
2. The [\*\*Ending Radical Indoctrination in K-12 Schooling Executive Order\*\*](#) (*January 29, 2025*) addresses “gender ideology,” “discriminatory equity ideology,” and “patriotic education,” providing definitions for each.
  - The Executive Order directs federal agencies to “prevent or rescind Federal funds, to the maximum extent consistent with applicable law, from being used by an ESA [Educational Service Agency], SEA [State Educational Agency], LEA [Local Educational Agency], elementary school, or secondary school to directly or indirectly support or subsidize the instruction, advancement, or promotion of gender ideology or discriminatory equity ideology in:
    - K-12 curriculum, instruction, programs, or activities; or
    - K-12 teacher certification licensing, employment, or training.”
  - This Executive Order mirrors and reinforces prohibitions already in place under [South Carolina Budget Proviso 1.79 \(Partisanship Curriculum\)](#). While the Executive Order adds some additional definitional language, it does not introduce a fundamentally new requirement for federal funds beyond what districts should already be implementing in respect to state funds.

- The U.S. Department of Education is required to publish additional guidance within 90 days of the signing of this Executive Order. When that guidance becomes available, we will follow up with additional information and support regarding compliance.
3. The [Ending Radical And Wasteful Government DEI Programs And Preferring Executive Order](#) (January 20, 2025) has been followed up by a February 14, 2025 [Dear Colleague letter](#) clarifying that:
- Federal law prohibits covered entities, including local school districts, from using race in decisions pertaining to admissions, hiring, promotion, compensation, financial aid, scholarships, prizes, administrative support, discipline, housing, graduation ceremonies, and all other aspects of student, academic, and campus life. Put simply, educational institutions may neither separate or segregate students based on race, nor distribute benefits or burdens based on race.”
  - The U.S. Department of Education intends to vigorously assess compliance starting within the next 14 days and violation of civil rights laws may result in loss of federal funding. Additional guidance from the Department is anticipated.

### Next Steps

Your SCDE is committed to full compliance with these directives as South Carolina’s SEA. We will provide information as well as technical assistance to support LEAs as you and your counsel review your instructional programs, materials, professional development, hiring, and other policies for federal funding compliance in the months to come.

Additionally, I was pleased to recently join 11 fellow State Chiefs in [signing a letter to Secretary-designate McMahon](#) advocating for fairness, flexibility, and common sense in regard to federal education funding and policy. I am committed to keeping South Carolina’s needs at the forefront of national conversations regarding how we can work together to return control of education dollars and decisions from Washington back to state and local leaders where they belong.

We will continue to monitor federal implementation guidance and provide updates as they become available. If you have any questions, please contact Robert Cathcart, Policy & Legal Advisor, at [rdcathcart@ed.sc.gov](mailto:rdcathcart@ed.sc.gov).