

Executive Order on Education and the Allocation of Federal Funds

By the authority vested in me as President by the Constitution and the laws of the United States of America, including Article I, Section 8, Clause 1, Title VI and Title IX of the Education Amendments of 1972, and consistent with the First Amendment to the Constitution, it is hereby ordered as follows:

Section 1. Policy.

It is the policy of the United States to promote parental choice in education, to strengthen free market principles in the allocation of education resources, and to prohibit discrimination on the basis of religion in the use of such resources.

Sec. 2. Findings.

- (a) The Taxing and Spending Clause authorizes the Federal Government to attach conditions to the receipt of federal funds.
- (b) Title VI and Title IX prohibit discrimination in education programs receiving federal financial assistance.
- (c) The Supreme Court has held that States may not exclude religious schools from generally available public benefits. In *Espinoza v. Montana Department of Revenue*, 591 U.S. ____ (2020), the Court ruled that once a State decides to subsidize private education, it cannot disqualify some private schools solely because they are religious. In *Carson v. Makin*, 596 U.S. ____ (2022), the Court reaffirmed that a State violates the Free Exercise Clause when it excludes religious schools from a tuition assistance program otherwise generally available.

Sec. 3. Conditions on Federal Funding.

- (a) As a condition of receiving federal education funds, each State shall adopt and maintain policies that:
 - (i) require State education appropriations to be distributed directly to parents or guardians in the form of education savings accounts, vouchers, or equivalent mechanisms;
 - (ii) permit parents or guardians to direct such funds to public schools, private schools, charter schools, or home education programs of their choice; and
 - (iii) prohibit discrimination in the disbursement or use of such funds on the basis of religion, including the religious character or affiliation of the selected educational provider.

(b) The Secretary of Education shall establish procedures for determining State compliance with subsection (a) of this section.

Sec. 4. Enforcement.

(a) The Secretary of Education shall monitor State compliance with this order.

(b) The Secretary may withhold, suspend, or terminate federal education funds to any State that fails to comply.

(c) Prior to enforcement under subsection (b), the Secretary shall provide notice to the State and an opportunity to cure deficiencies.

Sec. 5. 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.

DONALD J. TRUMP

The White House,

[Date]