
California Attorney General Responds to President's Executive Order Regarding "Ending Radical Indoctrination in K-12 Schooling"

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On January 29, 2025, President Trump signed an Executive Order (EO) titled "Ending Radical Indoctrination in K-12 Schooling," which aims to address what is described as the influence of "radical, anti-American ideologies" and the resulting infringement on parental rights. While the EO previews policies the Trump Administration intends to implement, it remains to be seen precisely how those policies will take shape and how they might conflict with California law.

Intent and Purpose

The EO's stated purpose is to address the indoctrination of children in "radical, anti-American ideologies while deliberately blocking parental oversight" in a way which violates federal laws that protect parental rights. To do so, the EO has ordered the formulation of an "Ending Indoctrination Strategy," which will form the basis for future action. The EO further declares that President Trump's Administration will enforce federal law to ensure that recipients of federal funds providing K-12 education comply with all applicable laws prohibiting discrimination in schools and protecting parents.

Important Definitions

The EO defines "discriminatory equity ideology" as "ideology that treats individuals as members of preferred or disfavored groups, rather than as individuals and minimizes agency, merit, and capability in favor of immoral generalizations," such as determining an individual's moral character or status as privileged, oppressing, or oppressed primarily due to the individual's race, color, sex, or national origin."

The EO further defines "social transition" as the "process of adopting a 'gender identity' or 'gender marker' that differs from a person's sex."

The EO is also described as rooted in the concept of "sex" defined as an "individual's immutable biological classification as either male or female[,] which the White House adopted in an earlier Executive Order, dated January

20, 2025.¹ The EO incorporates the January 20, 2025 EO definition of “gender ideology,” which “replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become women and vice versa, and requiring all institutions of society to regard this false claim as true.”

Ending Indoctrination Strategy and Implementation

Within 90 days of the EO, the Secretary of Education, the Secretary of Defense, and the Secretary of Health and Human Services must consult with the U.S. Attorney General (U.S. AG) and produce an “Ending Indoctrination Strategy,” which analyzes federal funding sources and streams that are being used to support or subsidize, directly or indirectly, gender ideology or discriminatory equity ideology in K-12 schools. Additionally, the “Ending Indoctrination Strategy” will recommend processes to rescind federal funds and to prevent them from being used to support or subsidize the following directly or indirectly:

- “K-12 curriculum, instruction, programs, . . . activities[,]” “teacher certification, licensing, employment, or training” related to gender ideology or discriminatory equity ideology;
- The “social transition of a minor student, including through school staff or teachers or through deliberately concealing the minor’s social transition from the minor’s parents”;
- The “interference with a parent’s Federal statutory right to information regarding school curriculum, records, physical examinations, surveys, and other matters” under the Federal Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA); and
- Title VI or Title IX violations.

The EO also requires the U.S. AG to coordinate with state and local prosecutors in filing actions against K-12 teachers and school officials who “sexually exploit[] minors[,]” “unlawfully practic[e] medicine[,]” or “otherwise unlawfully facilitat[e] the social transition of a minor student.” Moreover, the EO reestablishes the President’s Advisory 1776 Commission in the Department of Education to promote patriotic education, and it identifies “Additional Patriotic Education Measures,” such as monitoring compliance with Constitution Day programming requirements for educational institutions receiving federal funds.

LGBTQ+ Protections in California

On February 4, 2025, California Attorney General (AG) Rob Bonta issued a statement in response to the EO, noting that transgender and gender nonconforming individuals are a protected class under the California Constitution. Moreover, AG Bonta stated that under California law, K-12 schools must provide inclusive curricula reflecting the roles and contributions of California’s diverse population. Lastly, AG Bonta noted that while the “federal government sets a floor, not a ceiling when it comes to

¹ *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, Executive Order 14099, January 20, 2025.

civil rights protections,” California law continues to provide additional protections beyond those that exist in federal law.

In addition, the California Department of Education has expressed its position that “[i]t is against federal law for the White House to dictate what educators can and cannot teach by threatening to defund essential public services for students.” Given this position, it is possible that the California Attorney General may initiate litigation challenging the Trump Administration’s January 29, 2025 EO.

Takeaways

At this juncture, the January 29, 2025 EO simply directs the development of a recommended strategy for “eliminating Federal funding or support for illegal and discriminatory treatment and indoctrination in K-12 schools” and “protecting parental rights” under FERPA and PPRA. Because the EO has not articulated any new requirements for states, the EO has no immediate impact on K-12 schools. Furthermore, in California, schools must still provide inclusive curricula, and policies forcing the disclosure of pupils’ gender identity remain unlawful. Failure to comply with California law could expose school districts and governing boards to legal risks.

Lozano Smith is monitoring additional developments and potential litigation in this area and will issue further guidance as needed. If you have any questions about the EO, California’s legal requirements for inclusive curricula and forced disclosure policies, or related matters, please contact one of the authors of this Client News Brief or any attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [X \(formerly Twitter\)](#), and [LinkedIn](#), or download our [mobile app](#).

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