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NEWS FOR IMMEDIATE RELEASE

April 25, 2025

**Attorney General Kaul Sues Trump Administration Over Unlawful
Conditions on Funding for K-12 Schools**

MADISON, Wis. – Attorney General Josh Kaul today, as part of a coalition of 19 attorneys general, filed a lawsuit challenging the U.S. Department of Education’s threat to withhold federal funding from state and local agencies that refuse to abandon lawful programs and policies that promote equal access to education in K-12 classrooms across the nation. On April 3, 2025, the Department of Education informed state and local agencies that they must accept the Trump Administration’s new and legally incoherent interpretation of Title VI of the Civil Rights Act of 1964 with respect to diversity, equity, and inclusion efforts — or else risk immediate and catastrophic loss of federal education funds. Wisconsin, like many other states, refused to certify its compliance with these new requirements, explaining that there is no lawful or practical way to do so given the Department’s vague, contradictory, and unsupported interpretation of Title VI. In filing today’s lawsuit, Attorney General Kaul and the coalition seek to bar the Department from withholding any funding based on these unlawful conditions.

“Funding for our kids’ educations shouldn’t be put in doubt in order to advance an ideological agenda,” said Attorney General Josh Kaul. “We’re seeking to stop the Trump administration from unlawfully withholding vital education funding. This step from the Trump administration would be seriously misguided even in isolation, but this isn’t isolated. We’ve also joined multistate suits challenging the attempt to dismantle the Department of Education and the termination of teacher training grants. It’s past time for Congress to stand up for our kids and help stop the Trump administration from continuing to attack education.”

"Our top priority in Wisconsin is our kids and our focus is on making sure every student has the support they need to succeed. Unfortunately, the U.S. Department of Education has forced school leaders to divert their attention away from students and staff to deal with an unclear, high-stakes process that puts control over decisions in the hands of federal bureaucrats," said State Superintendent Dr. Jill Underly. "Our schools and communities are best equipped to make decisions for their students, not Washington, D.C."

The U.S. Department of Education provides Wisconsin with \$554.1 Million in congressionally mandated financial support each year for a wide variety of needs and services related to children and education. This funding includes financial support to ensure that students from low-income families have the same access to high-quality education as their peers, provide special education services, recruit and train highly skilled and dedicated teachers, fund programming for non-native speakers to learn English, and provide support to vulnerable children in foster care and without housing. The Wisconsin Department of Public Instruction has created a [webpage dedicated to Tracking Federal Funding](#) with additional information on federal funding related to Wisconsin schools and libraries, including interactive maps showing the impact of this funding across the state. As a condition of receiving these funds, state and local education agencies provide written assurances they will comply with Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color or national origin, and Wisconsin has consistently and regularly certified its compliance with Title VI and its implementing regulations.

However, on April 3, the Department of Education issued a letter that conditioned continued federal financial assistance on state and local education agencies certifying that they are not operating programs inconsistent with the Trump Administration's view that efforts supporting diversity, equity, and inclusion are unlawful. The letter forced state and local agencies to choose between two untenable options: (1) refuse to certify compliance based on the Department's un-defined viewpoint on what constitutes unlawful diversity, equity, and inclusion programs, curriculum, instruction, and policies, and place federal funding in peril or (2) certify compliance, attempt to identify and eliminate lawful diversity, equity, and inclusion to the detriment of students, and still face liability for failing to fully comply with the Department's vague and ill-defined order. Faced with this choice, Wisconsin informed the Department that it continues to stand by its prior certifications of compliance with Title VI and its lawfully issued implementing regulations in the Department's possession but would not assent to the unlawfully issued certification.

In the lawsuit, Attorney General Kaul and the multistate coalition assert that the Department of Education's attempt to terminate federal education funding based on

its misinterpretation of Title VI violates the Spending Clause, the Appropriations Clause, the separation of powers, and the Administrative Procedures Act.

Attorney General Kaul joins the attorneys general of California, Colorado, Connecticut, Delaware, Hawai'i, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Nevada, Oregon, Rhode Island, Vermont, and Washington in filing the lawsuit.

A copy of the complaint is available [here](#).