

# NAVIGATING THE EVOLVING LEGAL LANDSCAPE IN CAREER EDUCATION

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# Summary

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The legal environment for career schools is constantly evolving, particularly with changes in administration and emerging societal issues.

This presentation will provide an overview of recent cases, regulations, and legislative updates that impact career schools. Attendees will gain insights into how these changes affect their institutions and learn strategies for compliance and proactive adaptation.



# Key Topics

- I. Quick Overview of Cases and Regulations since the Beginning of the New Trump Administration
- II. What Will Become of the Department of Education under the New Administration
- III. Title IX Updates
- IV. Accommodations Issues
- V. DEI/Affirmative Action/SFFA
- VI. Anti-Hazing and Clery Updates
- VII. The Intersection of the Law and AI in Higher Education





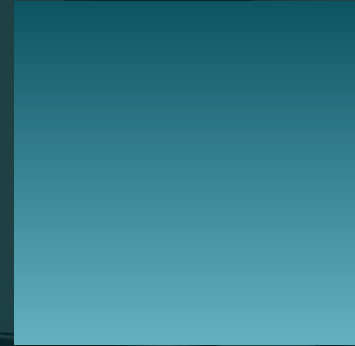


## **I. Quick Overview of Cases and Regulations since the Beginning of the New Trump Administration**

Significant education legal cases and regulatory changes since the beginning of the Trump administration.



# New directives come from HHS and Department of Education



Unauthorized immigrants will no longer have access to federal taxpayer-funded scholarships, grants, and loans for post-secondary education programs under changes that the Trump administration announced Thursday.

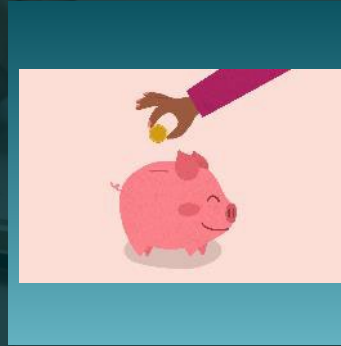
The Department of Health and Human Services and the Department of Education both announced that they rescinded Clinton-era directives that had allowed unauthorized immigrants to access a wide variety of federally subsidized programs, including in the education sector.



# Policy shifts could benefit career schools?



“I am considering taking Three Billion Dollars of Grant Money away from a very antisemitic Harvard, and giving it to TRADE SCHOOLS all across our land,” Trump wrote on Truth Social. “What a great investment that would be for the USA, and so badly needed!!!”



New workforce Pell grants would be available for students without graduate degrees who are enrolled in 8-week to 15-week workforce training programs.



Signaled changes to ease the accreditation process and access Federal funds.



# Reversing DEI Executive Orders



- Reversal of diversity, equity, and inclusion (DEI) executive orders
- Reduced targeted support for Hispanic/Tribal/minority-serving institutions
- Perceived setback for diversity and inclusion efforts



# Revocation of Grants



## University of Maine

USDA Grants revoked  
over transgender  
sports policy



## University of Pennsylvania

\$175M in federal  
funding frozen



## Columbia & Harvard

Major research grant  
cuts and freezes over  
campus protests and  
DEI policies



# Issues for International Students

- Public statements and actions against student activists
- Revocation of student visas and high-profile arrests
- Threats to institutions' ability to enroll foreign students





## **II. What Will Become of the Department of Education Under the New Administration**

Predictions and potential changes in the Department of Education's policies and priorities.



# Department of Education Workforce Reduction

- 50% reduction in Department of Education workforce
- Potential further cuts, including department elimination
- SBA to take over federal student loans (pending Congressional approval)
- On Monday, July 14, 2025 – Supreme Court ruled in favor of the Administration in a case challenging the RIF at the Ed Dept.



# Executive Order Overview

- Cites historically low reading and math scores
- Asserts federal bureaucracy has not served students, teachers, or families effectively
- Aims to return decision-making power to “States and local communities”





# Mandates and Continuity

- Existing services, programs, and benefits (student loans, Title I, special education) to continue during transition
- No details provided on how continuity will be achieved
- Targets “illegal discrimination” in DEI and “gender ideology” programs, potentially impacting funding and compliance



# Legal and Political Realities

- Department of Education established by Congress in 1979
- President cannot unilaterally eliminate the Department
- Congressional action required: 60 Senate votes needed to overcome filibuster
- Legal challenges expected, which could delay or reshape implementation





# Moving CTE to Labor Dept. After Supreme Court Order

- The U.S. Department of Labor taking “a greater role in administering” programs that support career and technical education funded by the \$1.4 billion Perkins program, and adult education and family literacy programs under the Workforce Innovation and Opportunity Act, the Education Department announced Tuesday.
- Meanwhile, just this week, 24 states sue Trump admin to unfreeze more than \$6 billion in education grants.



# DEI and Gender Ideology Provisions

- Mandates termination of federally funded programs deemed to engage in “illegal discrimination”
- Increased scrutiny of DEI, staff training, and curriculum related to gender identity
- Non-compliance risks funding cuts or legal action; compliance may trigger local backlash or litigation



Photo illustration



# Civil Rights and Student Loans

- Uncertainty about future of Office of Civil Rights enforcement
- Possible increase in private civil litigation if federal oversight dissolves
- \$1.6 trillion student loan portfolio may transfer to another federal entity (e.g., Treasury)
- Potential impact on dual-enrollment programs and staff loan forgiveness



# Key Takeaways



- Significant policy shift with broad implications
- Schools must prepare for potential changes in funding, compliance, and civil rights enforcement
- Ongoing vigilance and proactive planning are essential





## III. Title IX Updates

Recent Updates and Trends



# 2024 Title IX Regulations Invalidated

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On **January 9, 2025**, the U.S. District Court for the Eastern District of Kentucky issued a decision in *State of Tennessee v. Cardona*, No. 2:24-072-DCR, 762 F. Supp.3d 615, vacating the 2024 Title IX regulations in their entirety.



This decision applied nationwide,  
not just to the states involved in the lawsuit.



# Key Points from the Court's Decision

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- The court found that the Department of Education exceeded its statutory authority by expanding the definition of “on the basis of sex” to include gender identity, sexual orientation, and other categories.
- The court held that the 2024 regulations violated the First Amendment by compelling speech (e.g., requiring the use of pronouns consistent with a student's gender identity).
- The court found the regulations unconstitutionally vague and overbroad, making it unclear what conduct would violate Title IX.
- The court determined the regulations violated the Spending Clause by imposing ambiguous and potentially unconstitutional conditions on recipients of federal funds.
- The court also found the regulations arbitrary and capricious under the Administrative Procedure Act, citing a lack of reasoned explanation for departing from longstanding Title IX interpretations.



# Immediate Impact:

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- The 2024 Title IX regulations, which had gone into effect on August 1, 2024, were vacated and are no longer in effect in any jurisdiction.
- The Department of Education issued January 31 Dear Colleague letter all educational institutions must revert to the 2020 Title IX regulations (enacted under the Trump administration) for all new Title IX matters.
- Institutions that had begun implementing the 2024 regulations were advised to consult legal counsel regarding how to handle pending cases initiated under the now-vacated rules.



# Return to the 2020 Title IX Regulations

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The 2020 rules, originally issued under former Secretary Betsy DeVos, require:

- Live hearings with cross-examination for sexual misconduct cases in higher education.
- A narrower definition of sexual harassment (requiring conduct to be severe, pervasive, and objectively offensive).
- A focus on due process protections for accused students.



# Further Changes Ahead?

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- The Trump administration has signaled an intent to maintain or potentially strengthen the 2020 regulations, particularly regarding protections for women's sports and limitations on the inclusion of gender identity under Title IX.
- An executive order titled "Keeping Men Out of Women's Sports" was issued in February 2025, indicating a focus on restricting transgender participation in women's athletics.
- The Trump administration has appealed the *Tennessee v. Cardona* case on March 12, 2025, but briefing is currently on hold.



# Action Items/Takeaways

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- Respond to any complaints of sex discrimination of any kind (not just sexual misconduct)
- Provide remedies to ensure equal access to programs and activities
- If discipline may be warranted in a case that involves *quid pro quo* harassment or sexual misconduct, follow the heightened due process procedures





## IV. Accommodations Issues

Pregnancy, Religion, Disability, Other?  
Recent updates and changes



# Pregnant Workers Fairness Act (PWFA)

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The PWFA is a major federal development, requiring employers with at least 15 employees to provide reasonable accommodations for known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would impose an undue hardship.



# Pregnant Workers Fairness Act (PWFA)

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The EEOC's final regulations implementing the PWFA took effect June 18, 2024.

These regulations clarify that accommodations must be provided for a wide range of pregnancy-related conditions, including uncomplicated pregnancies, miscarriage, postpartum depression, lactation, and more.



# Pregnant Workers Fairness Act (PWFA)

The PWFA does not replace more protective state or local laws, and many states/cities have their own accommodation requirements.

**Litigation**: Multiple federal lawsuits have challenged the PWFA and the EEOC's regulations, particularly regarding whether employers must accommodate elective abortions and certain infertility treatments.



# Can't Forget About COVID

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## COVID-19 and Long COVID:

The EEOC has updated guidance on accommodations for employees with Long COVID, which may include flexible schedules, telework, or removal of marginal job functions.



# Mental Health Accommodations

- There is a notable increase in requests for mental health accommodations in the workplace, including for anxiety, depression, and conditions exacerbated by the pandemic.
- Employers are encouraged to review and update their accommodation processes and train managers to recognize and respond to such requests.



# Religious Accommodations

Employers must reasonably accommodate employees' sincerely held religious beliefs, practices, or observances unless doing so would impose more than a de minimis cost or burden.



- The Supreme Court's 2023 decision in **Groff v. DeJoy** clarified that “undue hardship” under Title VII means “substantial increased costs in relation to the conduct of [the employer’s] particular business,” raising the bar for employers to deny religious accommodations.
- The EEOC’s updated guidance emphasizes the need for individualized assessments and the importance of the interactive process.



# Section 504 of the Rehabilitation Act and ADA (Education)



- Educational institutions must provide reasonable accommodations to students with disabilities, including those related to pregnancy and mental health.
- The **Department of Education** and the **Office for Civil Rights** have issued guidance reinforcing the rights of pregnant and parenting students to receive accommodations, such as excused absences for medical appointments and modifications to classroom policies.
- The **EEOC** has highlighted that discrimination against employees with caregiving responsibilities (including for children, elderly parents, or individuals with disabilities) may violate Title VII or the ADA if based on sex, association with a person with a disability, or other protected characteristics.





## **V. DEI / Affirmative Action / SFFA**

What is and is not permissible under current regulations and case law.





# **Key Legal Developments and Updates in 2025: DEI, Affirmative Action, and SFFA**



# Supreme Court's SFFA Decision (2023) and Its Ripple Effects:

While the Supreme Court's 2023 decision in *Students for Fair Admissions v. Harvard/UNC* (SFFA) directly addressed race-conscious admissions in higher education, its reasoning has been cited in 2025 as justification for rolling back DEI and affirmative action in employment and government contracting.

The SFFA decision:

- Barred the use of race as a factor in university admissions.
- Rejected the notion that diversity alone is a sufficient justification for race-based decision-making.
- Has been interpreted by the Trump administration and some courts as supporting a “colorblind” approach in employment and contracting, fueling further legal and policy changes.



# EEOC Guidance and Enforcement:

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**The Equal Employment Opportunity Commission (EEOC) has clarified that:**

- Any employment action motivated, even in part, by race, sex, or other protected characteristics is unlawful under Title VII.
- DEI programs that involve preferences, quotas, or any consideration of protected characteristics in employment decisions are at high legal risk.
- “Reverse discrimination” claims are treated the same as any other discrimination claims.
- Lawful DEI efforts must be race- and gender-neutral, such as broadening recruitment, standardizing hiring criteria, and providing equal access to training and mentorship.



# Court Challenges and Injunctions:

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- Multiple lawsuits have been filed challenging the new executive orders, particularly by employer groups and civil rights organizations. Some courts have issued preliminary injunctions against enforcement of certain provisions, especially those affecting federal funding recipients and educational institutions.
- The Department of Justice and the Department of Education have been active in investigating and, in some cases, halting funding for programs perceived as violating the new federal directives on DEI.



# Ongoing Litigation:

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- Numerous lawsuits have been filed by individuals and advocacy groups challenging both the dismantling of DEI programs and the continued use of any race- or sex-conscious practices in employment, contracting, and education.



# Employers:

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- Are under increased scrutiny from both federal and state authorities regarding DEI initiatives.
- Should review all DEI and affirmative action programs for compliance with Title VII and the new federal directives.
- May continue race- and gender-neutral diversity efforts, such as broadening recruitment and standardizing hiring processes, but must avoid any employment actions based on protected characteristics.



# Educational Institutions:

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- Must comply with new federal guidance restricting the use of race in admissions, scholarships, and hiring.
- Some institutions have closed or restructured DEI offices in response to state and federal mandates.
- Should be aware of requests for certifications of compliance that come with grants and eligibility for federal funding from federal agencies – not just the Department of Education (Energy, HHS)





## **VI. Anti-Hazing and Clery Updates**

Overview of recent anti-hazing legislation and its implications for career schools.



# Overview:

## Introduction to the Stop Campus Hazing Act (SCHA)

- Signed into law by President Biden on December 23, 2024
- Represents a pivotal moment for student safety and well-being
- Bipartisan legislation amending the Higher Education Act (Clery Act) to the Jeanne Clery Campus Safety Act
- Aims to enhance campus safety and address hazing incidents comprehensively



# Background

Advocacy for federal anti-hazing legislation began in 2014

Introduction of the Report and Education About Campus Hazing (REACH) Act in 2017



Combined with elements of the END ALL Hazing to create the Stop Campus Hazing Act

Reflects a decade-long effort to combat hazing on college campuses



# What is Hazing?

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## Definition:

Hazing is any activity expected of someone joining or participating in a group that humiliates, degrades, abuses, or endangers them, regardless of a person's willingness to participate



# What is Hazing?

Occurs in  
a group  
context

Involves  
humiliating,  
degrading, or  
endangering  
behavior

Happens  
regardless  
of an  
individual's  
willingness  
to participate

## Three Components



# What is Hazing?

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## Common Contexts:

While commonly associated with college fraternities and sororities, hazing occurs in many types of clubs, organizations, and teams



# Key Requirements for Campuses

## Inclusion of Hazing Statistics:

Colleges and universities must report hazing incidents in annual security reports

## Implementation of Hazing Policies:

Requirement for comprehensive hazing policies, including prevention strategies

## Campus Hazing Transparency Report:

Institutions must publish a report summarizing hazing violations by student organizations



# Implementation of Hazing Policies

## Hazing Policy Requirements:

- Clear procedures for reporting and investigating hazing incidents
- Policies must address hazing prevention and awareness programs

## Prevention and Awareness Programs:

- Description of research-informed campus-wide prevention programs
- Primary prevention strategies to educate students and staff about the dangers of hazing



# Campus Hazing Transparency Report

## Report Contents:

- Name of the student organization involved in hazing
- General description of the violation
- Key dates:
  - alleged incident
  - investigation initiation
  - investigation conclusion
  - notification to the organization

## Publication:

- Report must be published on a prominent location of the institution's public website
- Updated at least twice a year to ensure ongoing transparency



# Implementation Timeline – Key Dates

A photograph of three business professionals in a meeting. A woman with blonde hair is smiling and gesturing with her hand. A woman with dark curly hair is looking at a laptop. A man is partially visible on the right. The image is overlaid with a dark blue tint.



# Planning for Changes - Steps to Take:

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## Review and Update Incident Reporting Processes:

- Ensure campus security authorities are trained on their responsibilities
- Update forms and systems to include hazing incident reporting





# Planning for Changes - Steps to Take:

## Assess Existing Hazing Policies:



- Determine if current policies address hazing prevention and awareness
- Update policies as needed to comply with SCHS requirements



# Planning for Changes - Steps to Take:

## Collaborate with Relevant Campus Roles:

- Engage conduct professionals, public safety, and prevention educators
- Discuss and update policies and procedures for SCHA implementation





# Role of Campus Security Authorities (CSAs)



## Immediate Reporting:

- As a Campus Security Authority (CSA), you must report incidents of hazing immediately
- Treat hazing incidents with the same urgency as other offenses required to be reported under the Clery Campus Safety Act



# Role of Campus Security Authorities (CSAs)



## Training and Awareness:

- Ensure CSAs are well-informed about their responsibilities under the SCHA
- Regular training sessions to keep CSAs updated on reporting procedures and policy changes





## VII. The Intersection of the Law and A.I in Higher Education

Legal considerations and challenges related to the use of artificial intelligence in higher education.

Ethical implications and compliance with privacy laws.

Strategies for leveraging AI while ensuring legal and ethical standards.



**Legal Considerations  
for AI in the**

**Educational  
Environment**





# Data Privacy and Protection:

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- Educational institutions must comply with laws such as the Family Educational Rights and Privacy Act (FERPA)
- If AI systems process student data, institutions must ensure that data is collected, stored, and used in compliance with these regulations.



# Intellectual Property:

The use of AI-generated content raises questions about ownership and copyright.

Institutions should clarify who owns the outputs of AI tools—whether it is the student, the institution, or the AI provider.





# Accessibility:



Under laws such as the Americans with Disabilities Act (ADA), educational technology, including AI tools, must be accessible to all students, including those with disabilities.

Institutions must ensure that AI systems do not create barriers to access.



# Non-Discrimination:

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- AI systems must not perpetuate or amplify biases that could lead to discrimination based on race, gender, disability, or other protected characteristics.
- Institutions are legally obligated to provide equal educational opportunities.





# Academic Integrity:



The use of AI in education raises concerns about plagiarism, cheating, and the authenticity of student work.

Institutions should develop clear policies on acceptable & unacceptable uses of AI.



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