

TO: School Committee

FROM: Tim Piwowar, Superintendent

DATE: March 14, 2024

RE: Impact of Federal Education Policies

Given recent changes in the approach to educational policy at the federal level, I provide this memo for context about the intersection between federal education practices, state education practices, and our context here in Westwood. The context of this conversation sits primarily in two realms: financial and civil rights.

Finance

In the area of finance, it is important to note that Westwood does not receive money directly from the federal government; rather, the US Department of Education (USED) provides funding to the Massachusetts Department of Elementary and Secondary Education (DESE), which in turn, allocates funding to local districts through entitlement grants. In Westwood, the following are the grant offsets that are built into our Fiscal Year 2026 operating budget:

Special Education IDEA Grant:	\$966,733
Early Childhood Special Education Grant:	\$23,290
Teacher Quality Grant (Title II):	\$26,482

Statewide, many communities also receive entitlement grants under Title I, which provides financial assistance to districts and schools with high percentages of children from low-income families. Westwood does not qualify for Title I funding.

In addition to these entitlement grants, federal funding also comes to Massachusetts districts through reimbursement for qualifying meals from the National School Lunch and School Breakfast Programs. It is important to note that this program is run by the US Department of Agriculture (USDA), not the federal Department of Education.

Civil Rights

Given recent executive orders at the federal level, it is important to examine how the protections in Massachusetts state law differ from federal directives. Quoting from a memo from legal counsel at the Massachusetts Association of School Superintendents in early February:

A key area of concern is the relationship between federal and state laws. In general, federal and state laws can coexist without issue. For example, federal law might set a baseline for pollution standards or minimum wage, but states are free to enact stronger

protections or higher standards. When, however, state law is in conflict with federal law or Congress declares a federal law to supersede state law (among some other circumstances), then the federal law preempts, or overrides, state law. By way of example, Massachusetts law prohibiting discrimination on the basis of gender identity historically has not been preempted by federal law because it extends additional protections to transgender and non-binary people, but does not directly conflict with or prevent adherence to federal laws, which have either been consistent or silent on this issue.

... At this time, I have not seen any definitive authority to indicate that Massachusetts non-discrimination laws have been superseded by federal law, including executive orders.

In short, it is important to state that although the federal interpretation of non-discrimination laws have changed, the protections afforded to individuals under state law remain in effect.

Recently, [a memo was released by Massachusetts Attorney General Andrea Campbell and state educational agencies](#) that further supports this position. To quote from that letter:

In view of recent Executive Orders (EOs) and a U.S. Department of Education (USED) “Dear Colleague” letter dated February 14, 2025 targeting diversity, equity, inclusion, and accessibility policies and programming in schools, the Office of the Attorney General, Executive Office of Education, Department of Higher Education, and Department of Elementary and Secondary Education are reissuing the appended and updated Joint Guidance regarding the Supreme Court’s June 2023 decision on race-conscious admissions policies at institutions of higher education, and providing the below supplemental guidance to clarify the legal landscape for the Commonwealth’s Institutions of Higher Education (IHEs) and K-12 schools as they work to advance educational goals and access to educational opportunities.

Educational institutions should continue to foster diversity, equity, inclusion, and accessibility among their student bodies. The USED’s February 14 “Dear Colleague” letter correctly identifies federal civil rights laws that apply to IHEs and K-12 schools. It then, however, misconstrues Supreme Court precedent, wrongly implies that it might be unlawful for schools to consider the impact of policies and practices on diversity, and creates a misimpression of the impact of diversity, equity, inclusion, and accessibility programming. To be clear, nothing in the letter changes existing law and well-established legal principles that encourage – and even require – schools to promote educational opportunity for students of all backgrounds.

It is critically important that we stay true to our mission of fostering an environment of belonging for all of our students in the Westwood Public Schools. While there will likely be legal fights ahead between state and federal governments, at the local level, nothing should detract us from that mission.