

California schoolnews

Weekly Update

July 30, 2025

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Navigating opt-out requests in light of *Mahmoud v. Taylor*



On July 7, CSBA issued “**Policy implications of *Mahmoud v. Taylor***” to help boards navigate the new legal landscape for parental notification and opt-outs in light of the U.S. Supreme Court decision and to share CSBA’s preliminary analysis of the policy implications of the decision.

***Mahmoud v. Taylor* held that the First Amendment required a school district to provide parents/guardians with notice and the**

ability to opt their children out of instruction involving LGBTQ+ storybooks. In response to learning that some school districts and county offices of education expect a high volume of opt-out requests based on the recent U.S. Supreme Court

decision in *Mahmoud v. Taylor*, CSBA on July 28 sent [an email](#) with key considerations for creating opt-out procedures and forms.

State law already contains instances in which districts and COEs are required to provide parents/guardians with notice and the opportunity to opt their students out of specified instruction. Education Code sections 51938 and 51939, **for example, require that local educational agencies provide parents/guardians with notice of planned instruction in comprehensive sexual health education and HIV prevention education and the opportunity to opt their students out of such instruction.** (The California Department of Education has published a [sample notification and opt-out letter](#) for this purpose.) **The Court did not specify how LEAs are to implement the requirement to provide notice and permit opt-outs.** The opinion simply noted that the question of whether certain instructional content “substantially interfer[es] with the religious development” of a student “**will always be fact-intensive.**”

To assist districts and COEs, CSBA has identified four considerations when developing opt-out procedures and forms: opt-out scope, access to instructional content, protections and supports, and directions to parents/guardians. [Read the detailed considerations »](#)

Legal update: Department of Energy proposed rule delayed to review over 21,000 comments



As described more fully in a [CSBA blog post from June 24](#), the Department of Energy (DOE) released a “direct final rule” in May of this year, changing its implementing regulations related to Title IX. The changes were intended to align with executive orders from President Donald Trump related to gender and transgender student athletes. A “direct final rule” is a **unique rulemaking process typically used for matters**

that are anticipated to be uncontroversial and for which the comment period usually provided for agency rulemaking is considerably shortened. Under this process, the DOE would not have had to go through the full rulemaking process, and the rule would have automatically taken effect on July 15, the date specified, unless “significant adverse comments” were submitted by June 16.

However, as **over 21,000 comments were received, with some [commentators such as the California Attorney General](#) publicly indicating that their comments were in opposition to the rule, the DOE delayed implementation of the rule.** To allow time to review and consider the many comments received, the DOE is extending the effective date to Sept. 12, 2025. By this date the **DOE must determine if the comments are indeed significantly adverse, and if they are, it must withdraw the rule, incorporate changes into a new direct final rule, or issue a new rule that addresses the comments received through the usual process.**

Federal update: Trump administration to release federal education funding



The U.S. Department of Education on July 25 announced in [an email](#) obtained by strategy consulting firm Whiteboard Advisors that it would begin releasing the withheld funding for four federal programs beginning the week of July 28. The programs are Title I-C, ESEA: Migrant Student Education; Title II-A, ESEA: Supporting Effective Instruction State Grants; Title III-A, ESEA: English Language Acquisition; and Title IV-A, ESEA: Student Support and Academic Enrichment State Grants.

The email noted the Grant Award Notifications (GAN) will include conditions to “ensure compliance with applicable laws and regulations,” including using “federal funds under this project in any manner that violates the United States Constitution, Title VI or Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq. or 42 U.S.C. § 2000e et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), section 504 of the Rehabilitation Act (29 U.S.C. § 794), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), the Boy Scouts of America Equal Access Act of 2001 (20 U.S.C. § 7905), section 117 of the Higher Education Act of 1965, as amended (20 U.S.C. § 1011f), or other applicable federal law. To the extent that a grantee uses grant funds for such unallowable activities, the Department intends to take appropriate enforcement action including under section 451 of the General Education Provisions Act (GEPA), which may include the recovery of funds under section 452 of GEPA.”

In other federal news:

- On July 22, U.S. Secretary of Education Linda McMahon issued a [Dear Colleague Letter](#): Guidance on the Use of Federal Grant Funds to Improve Education Outcomes Using Artificial Intelligence (AI). The guidance **addresses the use of formula and discretionary grant funds to support improved outcomes for learners through the responsible integration of AI**, including AI-based high-quality instructional materials; AI-enhanced high-impact tutoring; and AI for college and career pathway exploration, advising and navigation.
- Additionally, the Department of Education [published](#) a **proposed Supplemental Priority and Definitions on Advancing Artificial Intelligence in Education** in the Federal Register. Comments are due no later than Aug. 20.

CSBA Legislative Awards Program nominations open



Has your legislator been a champion for public schools this year? The nomination period for the 2025 CSBA Legislative Awards Program is open through Sept. 6. For more than 30 years, CSBA has **honored current members of the**



California Senate and Assembly, as well as members of Congress, who actively work to improve our public schools, support local school board governance and exercise leadership in the legislative arena.

CSBA encourages all school district and county office of education boards to participate in this program by nominating a member of the California State Legislature, the California Congressional delegation or federal/state elective or appointed office. **Nominees must be from within district/COE boundaries and in one of five categories:** Outstanding Legislator, Outstanding Freshman Legislator, Special Recognition, Albert S. Rodda Lifetime Achievement Award, and Dede Alpert Award for Exemplary Education Leadership. **Nominations must be received by Sept. 6.** [Learn more and nominate a local representative »](#)

Reduce costs, streamline compliance and simplify procurement with Golden State Technology Solutions



Golden State Technology Solutions enables local educational agencies to purchase hardware, software, training, consulting and cybersecurity services — all while saving time and money and freeing resources for student support. At a time when technology plays a greater role in schools than ever before, Golden State Technology Solutions demystifies the purchasing process and help school districts,

county offices of education and business officials efficiently source technology service providers. **Districts of every size will benefit from group purchasing power while saving resources commonly spent through the time-consuming Request for Proposals process.** Golden State Technology Solutions is a partnership between CSBA, the California Association of School Business Officials and Carahsoft Technology Corp. to reduce costs, streamline compliance and simplify technology procurement for California public schools. [Learn more »](#)

Stay up to date with the latest news and resources on the [CSBA blog](#).

Virtual events

Ethics Assembly Bill 2158

Aug. 4 | [Register](#)

Sept. 3 | [Register](#)

The Brown Act

Aug. 15 | [Register](#)

Sept. 3 | [Register](#)

Sponsors



Keenan®

**Executive Assistant (EA) Sigma:
Understanding Culture 1A/1B**
Aug. 28-29 | [Register](#)

**Masters in Governance (MIG) Course
1: Foundations of Effective Governance/
Setting Direction**
Sept. 10-11 | [Register](#)

In-person events

**Masters in Governance (MIG) Course 4:
Human Resources/Collective Bargaining**
Aug. 16 | Visalia | [Register](#)

**MIG Course 5: Community Relations &
Advocacy/Governance Integration**
Aug. 23 | Visalia | [Register](#)

**MIG Course 1: Foundations of Effective
Governance/Setting Direction**
Aug. 23 | Stockton | [Register](#)

**MIG Course 1: Foundations of Effective
Governance/Setting Direction**
Aug. 23 | Torrance | [Register](#)

**MIG for County Offices of Education
Course 1: Foundations of Effective
Governance/Setting Direction**
Sept. 4 | Monterey | [Register](#)

County Board Conference
Sept. 5-7 | Monterey | [Register](#)



[View complete calendar](#)



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