RESOLUTION OF THE [School District Name] SCHOOL BOARD REGARDING THE IMPOUNDMENT OF FEDERAL EVERY STUDENT SUCCEEDS ACT (ESSA) FUNDS FOR FISCAL YEAR 2025

WHEREAS, the [School District Name] School Board is committed to safeguarding its resources and providing a high-quality education to all students, and;

WHEREAS, the Every Student Succeeds Act (ESSA) provides critical federal funding to support a variety of educational programs and services for students, and;

WHEREAS, Congress, in March 2025, passed a continuing resolution that provided federal funding for ESSA programs through fiscal year 2025, which was signed into law by the President, and;

WHEREAS, the U.S. Department of Education has notified state education agencies that a significant portion of ESSA funding for fiscal year 2025 will be withheld, specifically impacting critical Titles, and;

WHEREAS, Office of Management and Budget Director Russell Vought made it known that the US Department of Education would be impounding funds for select ESSA programs that have already been appropriated, and;

WHEREAS, this impoundment of ESSA funds creates significant uncertainty and will negatively impact the students of [School District Name] School District. This will significantly affect the ability of the district to provide a comprehensive and equitable education to all students, and;

WHEREAS, the following ESSA funding is being withheld:

Title I-C (Education of Migratory Children): $376 million

Title II-A (Supporting Effective Instruction): $2.2 billion

Title III-A (Language Instruction for English Learners and Immigrant Students): $890 million

Title IV-A (Student Support and Academic Enrichment): $1.4 billion

Title IV-B (21st Century Community Learning Centers): $1.3 billion

WHEREAS, the total estimated amount of impounded funds nationwide is reported to be nearly $6.8 billion, representing a 10.2% to 20.8% of each state’s critical funding to supporting essential student services, teacher training, and family engagement programs, and;

WHEREAS, the late announcement of this impoundment is especially harmful to school districts because they have already adopted their budgets for the FY 25-26 school year and are relying on these previously appropriated funds to fulfill their educational obligations to students and staff, and;

WHEREAS, the [School District Name] School Board believes the impoundment of these funds is unlawful and disregards the will of Congress, as expressed in the continuing resolution, and;

WHEREAS, numerous sources indicate that the executive branch has no authority to withhold congressionally appropriated funds without explicit congressional approval through the Impoundment Control Act of 1974, and that no such approval has been sought or granted in this instance, and;

WHEREAS, Article I Sections 8 and 9 establishes Congress as having the “power of the purse”, and;

WHEREAS, Co-equal branches of Government in Congress, Executive, and Judiciary are established in Articles I, II, and III of the US Constitution to have a series of checks and balances on each other, and;

WHEREAS, Congress has completed abdicated its duties of controlling federal spending and its will to hold the Executive Branch accountable to follow existing laws;

NOW, THEREFORE, BE IT RESOLVED, that the [School District Name] School Board expresses its strong opposition to the impoundment of ESSA funds for fiscal year 2025, and;

BE IT FURTHER RESOLVED, that the [School District Name] School Board urges the U.S. Department of Education, Office of Management and Budget, and the executive branch to immediately release the impounded ESSA funds and fulfill their legal obligation to distribute these funds to states and local school districts, and;

BE IT FURTHER RESOLVED, that the [School District Name] School Board demands our Congressional Representative and Senators hold the President and Office of Management and Budget accountable for their illegal actions related to impoundment, and;

BE IT FURTHER RESOLVED, that the [School District Name] School Board authorizes the School District Superintendent and staff to take all necessary steps to advocate for the release of ESSA funds, including contacting elected officials, working with state and national education advocacy organizations, and pursuing all available legal remedies to ensure the release of the funds, and;

BE IT FURTHER RESOLVED, that the [School District Name] School Board calls upon parents, educators, students, and community members to join our efforts to advocate for the release of these vital funds and ensure that all students receive the resources they need to succeed, and;

BE IT FURTHER RESOLVED, that copies of this resolution shall be sent to the U.S. Secretary of Education, Office of Management and Budget Director Russell Vought, President Trump, [Senators and State Congressional Delegation named individually), and the [State] Department of Education.

PASSED AND ADOPTED, this [Day] day of July, 2025, by the [School District Name] School Board.

[Signatures of School Board Members]