

Understanding the Latest Legal Developments Affecting DEI and Federal Funding

Recent federal court actions have sent mixed signals to colleges and universities navigating diversity, equity, and inclusion efforts — providing important protections in some areas while creating continued uncertainty for institutions serving students.

On Feb. 6, 2026, the [U.S. Court of Appeals for the Fourth Circuit](#) lifted a nationwide injunction that had temporarily blocked enforcement of President Trump’s executive orders directing federal agencies to terminate certain DEI-related grants and require grant recipients to certify compliance with federal anti-discrimination laws. While the court did not rule on the legality of specific institutional practices or programs, its Feb. 6 decision allows federal agencies to continue enforcing the executive orders as litigation proceeds. As a result, colleges and universities receiving federal funds may continue to face heightened scrutiny, certification requirements, and potential funding disruptions tied to DEI-related activities.

At the same time, the Trump administration [withdrew its appeal](#) of a [separate federal court decision](#) that blocked the [Feb. 14, 2025, Dear Colleague letter](#) and related certification demands. That ruling — now left standing — affirmed that broad threats to withhold federal funding over lawful DEI-related speech and educational practices violated the First Amendment and failed to follow required federal procedures. This outcome reinforces that institutions retain the ability to pursue lawful, mission-driven efforts to expand access, foster belonging, and support student success.

Despite this legal ruling, the [U.S. Department of Education](#) said it will continue enforcing its interpretation of Title VI of the Civil Rights Act through other mechanisms, including investigations and compliance reviews, citing existing civil rights law and recent Supreme Court precedent. This underscores that, even where courts have blocked specific guidance, institutions may still encounter pressure to justify how their policies and practices comply with federal law.

To help institutions navigate this evolving landscape, NACAC is closely coordinating with trusted partners, including [EducationCounsel](#). EducationCounsel is [actively tracking](#) the Trump administration’s executive orders and other administrative actions with significant implications for K-12 and higher education. Their team produces timely summaries and legal and policy analyses to help the education field understand what actions the administration has taken and the likely impact on institutions, educators, and students.

Taken together, these developments underscore a complex and shifting legal environment. NACAC remains concerned that ongoing ambiguity and aggressive enforcement risk chilling lawful practices that are central to student access, enrollment, and success — particularly for first-generation, low-income, and historically underserved students. College admission counseling professionals play a critical role in expanding postsecondary opportunity, and uncertainty around federal funding and compliance can have real consequences for students navigating pathways to college.

NACAC continues to monitor these cases closely, elevate clear guidance for members, and advocate for policies that protect institutional autonomy while upholding civil rights and expanding equitable access to postsecondary education. We encourage members to remain informed, document compliance with applicable law, and continue advancing evidence-based strategies that support students and strengthen college access.

How Members Can Stay Engaged

As these legal and policy developments continue to evolve, NACAC encourages members to stay connected and engaged through the following opportunities:

- [Attend NACAC's monthly Community Conversation.](#) These sessions offer timely policy updates, expert perspectives, and space for members to ask questions and share how federal actions are affecting their work and students.
- [Stay informed through NACAC's Advocacy in Action updates.](#) Timely updates available on NACAC's website and social media highlight urgent federal developments and provide clear context on what's happening and why it matters for the college access community.
- [Read NACAC's Advocacy Update on the Admitted blog.](#) This resource offers deeper analysis of emerging issues, ongoing federal policy developments, and implications for college admission counseling professionals.
- [Share your stories of impact.](#) Member experiences are central to NACAC's advocacy. Sharing how these policies affect students, families, and institutions helps strengthen our collective voice and inform policymakers about real-world consequences.

NACAC will continue to elevate member perspectives and advocate for policies that protect institutional autonomy and expand equitable access to postsecondary education.