

# Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government

January 20, 2021

## Q&A for Public Schools

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### **What policy is asserted in the EO?**

This Executive Order asserts that the Federal Government should pursue a comprehensive approach to advancing equity, civil rights, racial justice, and equal opportunity for all, including people of color and others who have been historically underserved. By advancing equity across the Federal Government, the order aims to create opportunities for the improvement of communities that have been historically underserved.

### **What does the EO require federal entities to do?**

Generally, executive departments and agencies must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity. Specifically, the EO requires the Director of Office of Management and Budget, in partnership with the heads of agencies, to determine the best means to assess equity and approaches for the application of those methods across the Federal Government. The head of each agency will also identify some of its programs and policies for a review that will assess whether underserved communities and their members face systemic barriers in accessing benefits and opportunities available pursuant to those policies and programs. The EO directs that federal resources be allocated to promote equity, and to increase investment in underserved communities, as well as individuals from those communities. Heads of agencies will develop a plan that identifies any barriers to full participation in the identified programs, procurement, and contracting opportunities, and heads of agencies will consult with members of historically underserved communities to evaluate opportunities and increase coordination, communication, and engagement with community-based organizations and civil rights organizations.

The EO establishes an Equitable Data Working Group to study and identify inadequacies in existing federal data so that agencies can expand and refine available data to measure equity and capture the diversity of the American people. Currently, many federal data sets are not disaggregated by key demographic variables, such as race, ethnicity, gender, disability, income, or veteran status.

### **Which federal officials and agencies are required to take action?**

The EO launches a whole-of-government initiative to advance equity among historically underserved communities, including people of color. It directs all federal agencies to conduct an internal review and devise plans to “address unequal barriers to opportunity in agency policies and programs.” The review should also examine equity based on sexual orientation, gender identity, religious minorities, and people with disabilities. The EO specifically mentions the following federal officials and agencies are required to take action:

White House Domestic Policy Council (Section 3, 5, 7, 9)

The Director of the Office of Management and Budget (Section 4, 6, 7, 9)

Heads of agencies (Section 4, 5, 7, 10)

Administrator of the U.S. Digital Service (Section 7, 9)  
U.S. Chief Technology Officer (Section 7, 9)  
Chief Statistician of the U.S. (Section 9)  
Secretary of Commerce, through the Director of the U.S. Census Bureau (Section 9)  
Chair of the Council of Economic Advisers (Section 9)  
Chief Information Officer of the U.S. (Section 9)  
Secretary of the Treasury, through the Assistant Secretary of the Treasury for Tax Policy (Section 9)  
Chief Data Scientist of the U.S. (Section 9)

This order instructs the OMB to work to ensure that federal government spending more equitably invests in communities of color and that federal programs are available to people for whom English is not their first language. The new equitable data working group will ensure federal data “reflects the diversity of America.” The head of each agency, or designee, shall, in consultation with the Director of OMB, select certain of the agency’s programs and policies for a review that will assess whether underserved communities and their members face systemic barriers in accessing benefits and opportunities available pursuant to those policies and programs.

### **How are the stated policy and required action different from the past?**

This Executive Order revokes Executive Order 13950, which rejected the promotion of “race or sex stereotyping or scapegoating,” and prohibited federal contractors from instilling such views in their employees through workplace diversity and inclusion trainings. A national preliminary injunction from implementation or enforcement of Sections 4 and 5 of the EO was issued on December 22, 2020, by the U.S. District Court, Northern District of California, San Jose Division.

### **What past orders or actions were specifically rescinded?**

This EO revokes two executive actions by former President Trump: (1) Executive Order 13950 of September 22, 2020 (Combating Race and Sex Stereotyping) and (2) Executive Order 13958 of November 2, 2020 (Establishing the President’s Advisory 1776 Commission). The controversial EO 13958 required the “Secretary of Education to establish in the Department of Education the President’s Advisory 1776 Commission to better enable a rising generation to understand the history and principles of the founding of the United States in 1776 and to strive to form a more perfect Union.”

### **What changes do we anticipate in federal policy, including regulation, guidance, enforcement, etc.? Specifically, what past administrative directive is likely to be changed significantly or rescinded entirely?**

As noted above, Executive Order 13950 (Combating Race and Sex Stereotyping) and Executive Order 13958 (Establishing the President’s Advisory 1776 Commission) are revoked. According to the Biden Administration, an order addressing racial equity issues will be released on Tuesday, January 26, 2020.

In addition, as agencies assess the equity focus and effects of their policies and programs, it is likely that the U.S. Department of Education will examine and strengthen its civil rights enforcement activities. The EO specifically requires agencies to look at the “operational status and level of institutional resources available to offices or divisions within the agency that are responsible for advancing civil rights ....”

### **What will the impact be on local policies?**

This EO contains no directive that requires school boards to review and or revise local policies immediately; however, the new administration’s focus on equity may lead to shifts in guidance and enforcement on topics such as racial disparities in student discipline, education curricula on racial injustice, and equity in access to educational resources.