



OKLAHOMA STATE  
DEPARTMENT *of* EDUCATION

February 24<sup>th</sup>, 2025

Gentner Drummond  
Attorney General of the State of Oklahoma  
Attn: Opinion Coordinator  
313 NE 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105  
Via email to gentner.drummond@oag.ok.gov

Re: Request for a Formal Attorney General Opinion Regarding President Trump's Executive Order Issued February 19<sup>th</sup>, 2025.

General Drummond,

I write to request a formal Oklahoma Attorney General (“AG”) Opinion pursuant to Title 74 O.S. § 18(b)(A)(5) which states “[t]he duties of the Attorney General as the chief law office of the state shall be ... to give an opinion in writing upon all questions of law submitted to the Attorney General by the Legislature or either branch thereof, or by any state officer, board, commission or department, provided that the Attorney General shall not furnish opinions to any but district attorneys, the Legislature or either branch thereof, or any other state official, board, commission or department, and to them only upon matters in which they are officially interested[.] (emphasis added).

As you may be aware, President Donald J. Trump issued an Executive Order (“EO”) on February 19<sup>th</sup>, 2025. When staff last searched the EO was not filed in the Federal Register. For your convenience the EO may be found at <https://www.whitehouse.gov/presidential-actions/2025/02/ending-taxpayer-subsidization-of-open-borders/>, and a copy is attached hereto as Exhibit 1.

At least some, if not many, Oklahoma public school programs are funded by federal monies, whether in whole or in part. For example, programs that receive federal funding, at least



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in some measure include, without limitation: (a) Title I, Parts A, C, and D, (b) Child Nutrition, and (c) English Language Proficiency. These programs provide an array of services to students and families through federal monies.

For example, Title I, Part A, “targets resources to district and schools where the needs are greatest.” Title I, Part A “provides flexible funding for additional instructional time for students who are most at risk for not meeting state academic standards. This funding may also provide professional development, extended-time programs, and other strategies for raising student achievement in high-poverty schools.”<sup>1</sup>

Further, Title I, Part C, provides funding to states to “ensure that migratory children not only are provided with appropriate education services that address their unique needs but also that such children receive full and appropriate opportunities to meet the same challenging State academic standards that all children are expected to meet. Federal funds are allocated by formula to State educational agencies (SEAs), based on each state's per pupil expenditure for education and counts of eligible migratory children, age 3 through 21, residing within the state.”<sup>2</sup>

Additionally, the National School Lunch Program, one of several programs within Child Nutrition, “is available to any public or private nonprofit school or licensed residential child care institution. The objectives of the National School Lunch Program are to make available to all students enrolled in schools and institutions a meal during a period designated as the lunch period; to provide nutritionally adequate meals that are acceptable to students, thus reducing plate waste; to provide assistance to participants to ensure that minimum meal requirements are met; and to

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<sup>1</sup> <https://www.bfsdfederalprograms.org/title-i-a>

<sup>2</sup> <https://www.ed.gov/grants-and-programs/formula-grants/formula-grants-special-populations/migrant-education-program-title-i-part-c--state-grants>



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ensure that all programs are accountable. School districts and residential child care institutions may receive reimbursement for lunches served to enrolled students at predetermined rates established for free, reduced-price, or full-price meals each fiscal year.”<sup>3</sup>

English Language Proficiency is yet another example. Federal funds are allotted “[t]o help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English; to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that all English learners can meet the same challenging State academic standards that all children are expected to meet; to assist teachers (including preschool teachers), principals and other school leaders, State educational Agencies (SEAs), Local Educational Agencies (LEAs), and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth; to assist teachers (including preschool teachers), principals and other school leaders, State Educational Agencies (SEA), and Local Educational Agencies (LEAs) to develop and enhance their capacity to provide effective instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instructional settings; and to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners.”<sup>4</sup>

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<sup>3</sup> <https://oklahoma.gov/education/services/child-nutrition.html>

<sup>4</sup> <https://oklahoma.gov/content/dam/ok/en/osde/documents/services/english-language-proficiency/el-and-title-iii-state-monitoring/Title-III-Handbook.pdf>



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These programs may, by design or effect, provide illegal aliens with taxpayer-funded benefits, as any illegal alien taking advantage of such programs may in turn benefit from taxpayer funding of the same.

President Trump has received a clear mandate from the American people as evidenced by the results of the most recent presidential election. I fully support President Trump and the efforts of his Administration, both in the issues sought to be remedied by the EO, and generally. Therefore, I pose the following questions for your formal opinion:

1. Are school programs in Oklahoma public schools that receive federal funding, in whole or in part, affected by President Trump's EO?
2. If the answer to Question 1 above is in the affirmative, how is the Oklahoma State Department of Education ("OSDE") to ensure the requirements of the EO as the same relates to affected school programs?

In closing, these issues concern public health, safety and welfare as well as taxpayer money. It is my intention to abide by the terms of the President's EO as it may apply to programs under the supervision of the OSDE. Therefore, your prompt response is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Ryan Walters".

Ryan Walters  
Superintendent of Public Instruction