

# Exploring the Landscape:

## For belonging and inclusion programs

**June 26, 2025 for AWC Conference**

*Disclaimer: MRSC is a statewide resource that provides general legal, finance, and policy guidance to support local government entities in Washington State pursuant to Chapter 43.110 RCW. MRSC content is for informational purposes only and is not intended as legal advice, nor as a substitute for the legal advice of an attorney. You should contact your own legal counsel if you have a question regarding your legal rights or any other legal issue.*



1

## Presenter - Panelist



**Linda Gallagher**  
Legal Consultant  
lgallagher@mrsc.org  
206-625-1300 ext. 222

2

# About MRSC



## Research and Consulting Services for Washington Local Governments and State Agencies

- Free consultation (Ask MRSC)
- Guidance on hundreds of topics
- Webinars and workshops
- E-newsletters
- Sample documents
- Research tools



3

# What is the Landscape?



4

# Landscape?



5

# Landscape – unclear and unknown?



6

## Diversity, Equity, Inclusion & Belonging



MRSC Resources ([www.mrsc.org](http://www.mrsc.org)):

[Diversity, Equity, and Inclusion Resources for Local Governments](#) Topic page with resources, tools, and sample documents related to diversity, equity, and inclusion (DEI) programs in local governments.

[Language Access](#) Topic page with language access requirements and resources for use by local governments in Washington State.

State of Washington Resources:

The Keep Washington Working (KWW) Act AGO guidance and model policies still apply and protect against local and state agencies being compelled to engage in federal immigration enforcement.

Attorney General's Office – joining other states' challenges

State Executive Order 22-04 implementing Washington State Pro-Equity Anti-Racism (PEAR) Plan & Playbook.

7

## Exploring the Legal Landscape



Executive Order No. 14173 (January 21, 2025):

[“Ending Illegal Discrimination and Restoring Merit-Based Opportunity”](#)

“The Federal Government is charged with enforcing our civil-rights laws. The purpose of this order is to ensure that it does so by ending illegal preferences and discrimination.” (Section 1)

Eliminates illegal DEI programs and practices in federal government.

Requires DOJ to enforce civil rights laws to end “illegal” DEI programs in the private sector.

Requires federal contractors and grantees to certify that they do not operate any “illegal” DEI programs.

8

## EO Prohibits “Illegal” DEI Programs/Policies



Federal Civil Rights laws and state laws including Washington Law Against Discrimination (WLAD) remain in effect.

Protections of the U.S. Constitution remain in place – including First, Fourth, Fourteenth Amendments.

Legal Policies and Programs in place before the EO are likely to remain legal now.

9

## Students for Fair Admissions vs. Harvard, 600 U.S. 181 (June 29, 2023)

Holding: Race-based affirmative action programs in most college admissions violate the Equal Protection Clause of the Fourteenth Amendment.

Companion case:

### Students for Fair Admissions vs. University of North Carolina

Holistic based admissions programs are unconstitutional.

10



## Grant funding – 10<sup>th</sup> Amendment

“The Constitution vests the spending powers in Congress, not the President, so the Order cannot constitutionally place new conditions on federal funds. Further, the Tenth Amendment requires that conditions on federal funds be unambiguous and timely made; that they bear some relation to the funds at issue; and that the total financial incentive not be coercive. Federal funding that bears no meaningful relationship to immigration enforcement cannot be threatened merely because a jurisdiction chooses an immigration enforcement strategy of which the President disapproves.”

(2017) City of Santa Clara v. Trump (250 F. Supp. 3d 497, 508)

11

## Local Government Responses

Changes in Policies and Programs?

Changes in Position Titles and Descriptions?

Legal Advice Regarding current and future Grant Agreements?

12

## Questions for Local Governments



Review policies, programs, and practices related to:

- internal diversity, equity, belonging and inclusion programs
- community DEIB programs
- federal enforcement of executive orders and state law protections
- new grant certification requests regarding DEIB

13

## Considerations



Collaborate with AWC & your neighboring local governments

Follow pending court cases about state's rights-protection for local government rights too.

Policy decisions – eliminate DEIB programs  
or double down?

Follow federal civil rights laws & state laws

Consult your risk pools and city attorneys



14

# Landscape – Optimism?



15

## Questions & Thank you

**Linda Gallagher**  
MRSC Legal Consultant

lgallagher@mrsc.org  
(206) 625-1300 ext. 222



16