



From Campuses to the Ballot Box: How State AGs Are Reshaping Equal Opportunity in America

Part I: The Gateway to Opportunity

The attack on equal opportunity has moved far beyond campus admissions offices. Across schools, workplaces, healthcare, public services, and the ballot box, state attorneys general are battling over who gets a fair chance in America —and who doesn't.

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State AGs Divided Over What Equal Opportunity Demands

What began as a legal and political campaign against [diversity, equity, and inclusion \(DEI\)](#)¹ programs in [schools](#) and [workplaces](#) has expanded into a broader struggle over how equal opportunity itself is defined and enforced across American life. The conflict now extends well beyond classrooms and offices.

Cutting-edge [medical research funding](#), vital [public services](#), and [voting rights](#) protections have all been caught in the crosshairs. As chief legal officers, state attorneys general (state AGs) are at the center of these groundbreaking battles, shaping whether opportunity in America will ever be truly equal or reserved for only some.

At its core, the values of diversity, equity, and inclusion reflect a fundamental principle: every person—regardless of race, gender, disability, age, sexual orientation, or background—deserves a fair chance to succeed. In 2023, [91 percent](#) of Americans said they shared this belief.

Yet agreement on the ideal masks the fact that Americans disagree sharply on what barriers stand in the way of equal opportunity and how they should be addressed. State AGs are no exception.

¹ The acronym DEIA (Diversity, Equity, Inclusion, and Accessibility) adds explicit attention to people with disabilities and the barriers they face. In this publication, we use DEI and DEIA interchangeably.

Some AGs claim that diversity, equity, and inclusion efforts amount to unlawful reverse discrimination, weaponizing civil rights laws to block advancement for millions. Others defend them as lawful, essential tools for ensuring all Americans are treated fairly—safeguarding both the promise and real-life [benefits](#) of a more equitable, inclusive society.

The fight over who gets a fair shot in America is unfolding in real time, with state AGs playing a key role. To see the effects of their actions up close, we begin with education, the gateway to opportunity. Later installments will trace how their influence is also shaping workplaces, healthcare, public services, and the ballot box, revealing the nationwide stakes of this struggle.

Part I: Schools - The Gateway to Opportunity

Education has long been seen as one of the great equalizers in American society—the place where talent, effort, and drive can matter more than where someone comes from. [Graduates](#) at every level [earn significantly more](#) than those with less schooling, demonstrating how academic achievement translates into [earning potential](#) and [economic mobility](#).

But socioeconomic inequality and unconscious [biases](#) still limit students’ ability to learn and succeed on equal terms. They drive uneven access to [early childhood education](#), experienced teachers, [supportive](#) learning environments, advanced coursework, extracurricular activities, and legally required [accommodations](#). And they leave some students [far better positioned](#) to excel on standardized tests and navigate college admissions, where [exorbitant costs](#), [legacy preferences](#), and other [advantages](#) can further tilt the playing field.

Policies that deny fair access to classrooms and educational resources—and signal that only some students are welcome—extend far beyond school walls, shaping individual futures, generational outcomes, and entire communities. That understanding explains why education has become an increasingly contested arena for battles over diversity, equity, and inclusion. Since 2023, lawmakers in 34 states have introduced at least [157 bills](#) targeting these efforts in education, according to the Movement Advancement Project.

State AGs are at the forefront of these disputes, defending or challenging the tools used to address barriers to equal opportunity in education. The following examples capture how this divide is playing out in practice.

State AGs Working to Preserve Equal Opportunity in Education:

- **Clarifying the Limits of *Students for Fair Admissions v. Harvard* (SFFA)**

In the aftermath of the Supreme Court’s controversial 2023 decision banning race-conscious admissions, [several state AGs](#) stepped in to guide colleges and K-12 schools on lawful ways to recruit and support underrepresented students. For example, [New York’s guidance](#) underscored the importance of creating a school climate that provides “every student with an equal opportunity to learn and succeed.”

The guidance also called out disciplinary practices that disproportionately punish certain groups of students. According to a 2022 Learning Policy Institute report, students of color (except Asian students), students with disabilities, low-income students, LGBTQ students, and males [face higher suspension rates](#) due to implicit biases and systemic factors—not differences in behavior.

In 2025, a coalition of [15 AGs](#) issued joint multistate guidance in response to federal communications directed at all educational institutions that receive financial assistance from the U.S. Department of Education (ED). The coalition argued that the federal government had incorrectly suggested that educational institutions could not use race-neutral policies to increase diversity. The guidance clarified that educational institutions were free to continue setting goals related to student diversity and equity, and to pursue those goals through any lawful, non-discriminatory means.

The multistate guidance also countered ED’s claim that diversity, equity, and inclusion programs frequently favor specific racial groups. The AGs noted that programs that foster fairness and dismantle stigma help ensure that all students have access to the same opportunities. They further pointed out that diverse learning environments better prepare students for the realities of working in a diverse nation and participating in a multiracial democracy.

Eight state AGs also [published an op-ed](#) in 2025 responding to a warning from then-U.S. Attorney General Pamela Bondi about using geographic indicators as “proxies” for race. The [coalition](#) emphasized that socioeconomic and geographic factors are race-neutral tools colleges and universities can lawfully use to identify high-achieving students from disadvantaged communities who might otherwise be overlooked.

By charting [lawful paths](#) in the [post-affirmative action](#) landscape, some state AGs are helping education officials safeguard diversity, equity, and inclusion—and with it, the opportunities, resources, and enriching experiences that allow all students to thrive.

- **Defending Law School Accreditation Standards That Advance Equal Opportunity**

In 2024, 18 states and the District of Columbia, led by [Illinois AG Kwame Raoul](#), countered [claims](#) by other AGs that the American Bar Association's (ABA) diversity standard for law school accreditation and proposed revisions violated the *SFFA* decision. The coalition wrote a [letter](#) defending the requirement that law schools provide “full opportunities to the study of law,” highlighting the importance of the ABA's role in promoting inclusion across the legal field and justice system.

The disparities in who gets a chance to enter the legal profession are stark: in 2024, [nearly 80% of white law school applicants](#) secured at least one admission, while fewer than half of Black applicants did. The AGs emphasized that the ABA's standard did not dictate specific admissions decisions but simply asked schools to fulfill their existing legal duty under the Constitution and antidiscrimination laws.

Facing mounting political [pushback](#), the ABA [suspended](#) and has now [proposed repealing](#) the standard. This example illustrates how state AGs can either support key institutions in advancing equal opportunity for law students or push them toward retreat.

- **Pushing Back Against Unlawful Federal School Funding DEI Ultimatum**

In 2025, a [19-state coalition](#), led by California, Illinois, Massachusetts, Minnesota and New York, sued to block a Trump administration directive threatening to withhold billions in federal funding from districts that used “certain” or so-called “illegal” DEI practices. The AGs warned that the directive's vague language left states unsure about what exactly would trigger penalties, placing them under intense pressure to scale back lawful programs or risk losing [more than \\$13.8 billion](#) in federal education funding—a result they said would be catastrophic for students.

The coalition highlighted that the uncertainty extended to a wide range of longstanding, federally required efforts, including programs supporting [English language learners](#), individualized education plans for students with disabilities, and initiatives ensuring compliance with federal civil rights laws. Even classroom instruction touching on race, inequality, or historical injustice risked being second-guessed, as educators struggled to interpret the directive's undefined terms.

The AGs emphasized a core principle: federal funding cannot be used to coerce states into abandoning lawful programs, especially those required under federal statutes like the Every Student Succeeds Act and the Individuals with Disabilities Education Act of 1975. In fact, those laws embed diversity, equity, and inclusion into the federal educational funding framework itself.

A [separate lawsuit](#) ultimately blocked the directive, reinforcing the AGs' position that federal funding should support equal opportunity in education rather than coerce schools to abandon programs that help all students learn, participate, and thrive.

State AGs Challenging Equal Opportunity Tools in Education:

- **Blocking Scholarships for Underrepresented Students**

In 2023, [Missouri AG Andrew Bailey](#) advised that the ruling in SFFA applied not just to admissions, but scholarships as well. His letter prompted the University of Missouri system to remove race and ethnicity from admissions and scholarship decisions, shutting off pathways for qualified underrepresented students already confronting [formidable barriers](#) to higher education.

By contrast, other state AGs have used their authority to clarify the lawful tools schools can rely on to promote equal opportunity. They've also made clear that [private charities](#) must protect scholarships intended for [protected classes](#), despite the Trump administration's anti-DEI agenda—helping prevent political pressure from blocking access to financial aid for students who [disproportionately face discrimination](#).

- **Treating Diversity Efforts as Legal Landmines**

In 2025, [Indiana AG Todd Rokita](#) launched investigations into [several universities](#), warning that their diversity, equity, and inclusion practices could jeopardize their non-profit status and expose them to other state law penalties.

That kind of pressure threatens efforts to expand higher education opportunities for all students, particularly those who are typically most underrepresented—[low-income](#), [Black](#), and [Hispanic](#) students. Nationwide, [more than 400 campuses](#) have already removed or rebranded programs aimed at fostering diversity, equity, and inclusion.

AG Rokita's actions show how some state AGs are rewriting the script. Rather than treating equal opportunity goals as longstanding civil rights obligations, they're framing them as legal hazards universities must actively defend against.

- **Enforcing Laws that Rewrite History and Obscure Inequality**

When states limit what schools can teach about history and inequality, the impact goes beyond academic freedom—it shapes what students can see, question, and ultimately challenge about obstacles to equal opportunity. In 2025, after learning that a school might be using materials linked to a [banned history book](#), [Texas AG Ken Paxton](#) secured a legal order forcing the district to enforce the state-wide prohibition on critical race theory (CRT). While some [experts](#) note that CRT is not formally taught in K–12 classrooms, the term has become a controversial catchall for discussions about history, race, and other politically charged topics.

CRT aims to dismantle [systemic barriers](#) to equal opportunity in schools and other institutions by examining them, yet Paxton publicly condemned it as a “radical, anti-American set of teachings.” His actions show how some state AGs are amplifying the divisive dynamics that polarize public debates about education—while narrowing what students are allowed to learn about the country’s past. By limiting how history and inequality can be discussed, these efforts risk leaving students without the tools to understand how systemic barriers [arise](#) and [persist](#), ultimately obscuring the very conditions that shape equal opportunity in America.

Together, these actions show how state AGs are redrawing the boundaries of equal opportunity in education—challenging or defending the tools designed to help every student thrive.

But the fight over equal opportunity doesn’t end at the schoolyard.

Part II will examine how state AGs are dueling over workplace policies that shape who gets a fair chance to earn, advance, and build economic security—and who faces barriers at every turn.

The Leadership Center for Attorney General Studies is a non-partisan organization dedicated to educating the public about the important role state attorneys general play in addressing pressing issues, enforcing laws, and bringing about change.