



Court Report

Education Law News You Can Use

February 17, 2025

Denver Public Schools Sues Homeland Security Over On-Campus ICE Raids

The Department of Homeland Security (DHS), under the Trump administration, rescinded a “sensitive locations” policy which limited U.S. Immigration and Customs Enforcement (ICE) from enforcement actions in areas such as schools and places of worship. Denver Public Schools, Colorado’s largest school district, sued DHS in the U.S. District Court for the District of Colorado, asserting that revocation of the “sensitive locations” policy and the subsequent ICE enforcement actions in schools violate several legal protections, including the Fourth Amendment (as unreasonable searches and seizures), the Tenth Amendment (as infringing on state authority over education), and the Equal Protection Clause of the Fourteenth Amendment (as discriminatory against certain ethnicities and national origins). Denver Public Schools further alleges harm in that school attendance has dropped noticeably across the district

New Hampshire Transgender Students Amend Sports Participation Lawsuit to Challenge Trump Administration Executive Order

Two minor plaintiffs, transgender students who sought to participate in high school girls’ sports consistent with their gender identity, had previously challenged a New Hampshire law prohibiting biological males from participating in girls’ sports. In September 2024, the U.S. District Court for the District of New Hampshire [granted the plaintiffs’ preliminary injunction](#) against enforcement of the state law, concluding that the plaintiffs were likely to succeed on their Equal Protection claim. However, on Feb. 5, 2025, President Trump signed an executive order, titled “[Keeping Men Out of Women’s Sports](#),” intending to ban transgender athletes from participating in girls’ and women’s sports. In light of this development, plaintiffs filed their second amended complaint, naming President Trump and related federal officials as defendants and challenging the executive order as violative of the Equal Protection Clause.

Ninth Circuit (AK, CA, HI, ID, MT, NV, OR, WA): School Officials Violated Due Process in Extending Suspension Without Notice

A San Diego-area high school student was initially suspended for three days for an on-campus lunchtime fight with other students. After school administrators reviewed surveillance footage, they extended the suspension and recommended expulsion based on allegations that the student “willfully caused serious injury” and was not acting in self-defense. The student was never informed of these new allegations, nor was he given an opportunity to respond. His parents were informed of the extended suspension and the expulsion recommendation but were not given a chance to contest the underlying factual allegations. Despite this, the student was excluded from school for 16 days before the expulsion recommendation was withdrawn. The student sued school officials, challenging the disciplinary decision as violating his procedural due process rights.

The U.S. Court of Appeals for the Ninth Circuit held that the school violated the student’s due process rights by failing to inform him of the new charges and evidence underlying the extended suspension. The court also concluded that qualified immunity did not apply because the due process protections established in the Supreme Court’s landmark decision [Goss v. Lopez](#) (1975) were clearly established law.

New Jersey Appellate Court Rules that Board Members’ Personal Emails on School Board Business Subject to Public Records Act

A community member requested email logs from both the official and personal accounts of school board members, seeking records of communications discussing board business under New Jersey’s Open Public Records Act. The school board denied access to the logs from personal email accounts. The requester compelled disclosure of the email logs, but the trial court denied the request, concluding that the email logs were not government records, and even if they were, they were too burdensome to produce. The New Jersey appellate court reversed. Emphasizing the state law’s broad mandate favoring transparency and public access to government records, the court reasoned that emails discussing board business remain public records regardless of whether they are stored on a private server. The appellate court remanded with instructions for the trial court to require the board members to search their personal email accounts, and then determine if producing email logs imposes an undue burden.

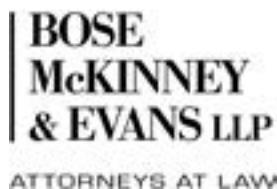
U.S. Supreme Court Petitions to Watch:

- [*L.M. v. Town of Middleborough*](#) – Whether school officials may presume substantial disruption from a student’s passive ideological speech (specifically, wearing a shirt that reads “There are only two genders”) merely because the speech relates to matters of personal identity.
- [*West Virginia v. B.P.J., by next friend and mother, Heather Jackson*](#) – Whether Title IX or the Equal Protection Clause prevents a state from designating school sports teams based on biological sex determined at birth.
- [*Little v. Hecox*](#) – Whether laws that seek to protect women’s and girls’ sports by limiting participation based on sex violate the Equal Protection Clause.
- [*Hittle v. City of Stockton*](#) – Whether the legal framework for an employment discrimination action requires a plaintiff to disprove the employer’s proffered reason for an adverse employment action.
- [*Petersen v. Doe*](#) – Whether Arizona’s Save Women’s Sports Act, which excludes biological males from girls’ and women’s sports teams, violates the Equal Protection Clause.
- [*Hoskins v. Withers*](#) – Whether qualified immunity shields government officials from liability even in cases where they retaliate against a person for exercising a clearly established constitutional right.

U.S. Supreme Court Cases to Watch:

- [*St. Isidore of Seville Catholic Virtual School v. Drummond*](#) (consolidated with [*Oklahoma Statewide Charter School Board v. Drummond*](#)) – Whether it violates the First Amendment’s protection of religious freedom for a state to exclude religious schools from its charter school program just because the school is religious.
- [*Mahmoud v. Taylor*](#) – Whether public schools burden parents’ religious exercise by compelling elementary school children to participate in instruction on gender and sexuality against their parents’ religious convictions without notice or opportunity to opt out.
- [*A.J.T. v. Osseo Area Schools, Independent School District No. 279*](#) – Whether the Americans with Disabilities Act requires children with disabilities to satisfy a uniquely stringent “bad faith or gross misjudgment” standard when seeking relief for discrimination relating to their education.
- [*FCC v. Consumers’ Research*](#) (consolidated with [*Schools, Health & Libraries Broadband Coalition v. Consumers’ Research*](#)) – Whether Congress unconstitutionally delegated its legislative authority to the FCC by allowing it to determine and administer mandatory contributions to the Universal Service Fund (which provides funding to support internet services to schools and libraries), and whether the FCC improperly subdelegated its regulatory authority to a private company to manage the fund. (*Set for argument 3.26*).
- [*Stanley v. City of Sanford*](#) – Whether, under the Americans with Disabilities Act, a former employee — who was qualified to perform her job and who earned post-employment benefits while employed — loses her right to sue over discrimination with respect to those benefits solely because she no longer holds her job.
- [*Free Speech Coalition, Inc. v. Paxton*](#) – Whether strict scrutiny or rational basis review applies to a Texas law that restrict minors’ access to sexual material but significantly burdens adults’ access to protected speech.
- [*FDA v. R.J. Reynolds Vapor Co.*](#) – Whether a tobacco product manufacturer may file a judicial review petition in a circuit outside of the District of Columbia if the manufacturer is not located in that circuit but is joined by a seller of their products located in that circuit.
- [*FDA v. Wages and White Lion Investments, LLC*](#) – Whether the FDA’s denial of an application for authorization to market new e-cigarette products (including candy and fruit flavors) was arbitrary and capricious.
- [*U.S. v. Skrmetti*](#) – Whether Tennessee Senate Bill 1, which prohibits medical treatments intended to allow a minor to identify with a purported identity inconsistent with the minor’s sex, violates the Equal Protection Clause (a related petition in [*L.W. v. Skrmetti*](#) asks whether this same bill violates the fundamental right of parents to make decisions concerning the medical care of their children).
- [*Lackey v. Stinnie*](#) – (1) Whether a party must obtain a ruling that conclusively decides the merits in its favor, as opposed to merely predicting a likelihood of later success, to prevail on the merits under 42 U.S.C. § 1988; and (2) whether a party must obtain an enduring change in the parties’ legal relationship from a judicial act, as opposed to a non-judicial event that moots the case, to prevail under Section 1988.
- [*Wisconsin Bell, Inc. v. US ex rel. Heath*](#) – Whether reimbursement requests submitted to the Federal Communications Commission’s E-Rate program are “claims” under the False Claims Act.
- [*Williams v. Washington*](#) – Whether a plaintiff must first exhaust state administrative remedies before bringing a claim under Section 1983 claim in state court.

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