



# Court Report

Education Law News You Can Use

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## President Trump Issues Executive Orders Combating “Equity-Based” Discipline and Eliminating “Disparate Impact” Liability

President Trump issued two executive orders directing federal agencies to eliminate the use of race-conscious discipline and civil rights enforcement. The first order reverses prior federal guidance in directing federal agencies to eliminate policies that encourage using racial data in disciplinary decisions, calling the prior approach influenced by “discriminatory equity ideology.” The [second order](#) goes further by instructing agencies to roll back all federal regulations and enforcement actions based on disparate-impact liability, ending the use of statistical disparities as evidence of discrimination.

## Three Federal Courts Block ED’s Anti-DEI Push

In a trio of separate rulings, federal judges in [New Hampshire](#), [Maryland](#) and [Washington, D.C.](#) have issued preliminary injunctions blocking the U.S. Department of Education’s (ED) recent anti-DEI directives. The rulings pause enforcement of the Dear Colleague letter, FAQs, complaint portal and certification requirement. Judges cited concerns over due process and lack of clear standards distinguishing lawful practices from unlawful practices.

In a similar vein, Democratic attorneys general from 19 states [filed suit](#) in Massachusetts federal court against ED’s anti-DEI directives, citing violations of the Administrative Procedure Act.

## USDA Agrees Not To Freeze Maine Nutrition Funds Over Transgendered Athletes

After a Maine federal court granted a temporary restraining order against the U.S. Department of Agriculture (USDA) freezing funds to the State of Maine over transgender athlete participation, the USDA settled with Maine, agreeing not to freeze or terminate the state’s access to federal funds without following all legally required procedures.

While Maine’s legal battle with USDA has concluded, ongoing lawsuits remain with the Department of Education and Department of Justice regarding Maine’s policies for transgender athletes.

## DOJ Lifts 1960s Desegregation Orders in Louisiana

The U.S. Department of Justice (DOJ) has lifted a longstanding school desegregation order, a 1966 agreement with Plaquemines Parish schools, a small New Orleans metro area school district. The DOJ characterized the order as a “historical wrong,” asserting that the district had achieved integration by 1975, rendering continued federal oversight unnecessary.

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## Second Lawsuit Against Homeland Security Over ICE Raid Policy

A coalition of faith-based and community organizations has filed a lawsuit in Oregon federal court, challenging the Department of Homeland Security's (DHS) recent rescinding of its "sensitive locations" policy, which limited U.S. Immigrations and Customs Enforcement (ICE) from enforcement actions in schools, places of worship, and healthcare facilities. The lawsuit asserts violations of the First Amendment and the Administrative Procedure Act, citing enforcement examples of ICE agents visiting Los Angeles schools.

Similarly, Denver Public Schools sued DHS in February in federal court in Colorado. DHS recently filed a [motion to dismiss](#), arguing that Denver Public Schools lacks standing and fails to state a claim.

## Texas Governor Signs Law Establishing Private School Vouchers

Texas Governor Greg Abbott signed into law Senate Bill 2, establishing a \$1 billion school voucher program, allowing families to use public funds for private school tuition and other educational expenses. The law takes effect in September 2025, with the program expected to launch in the 2026–27 school year. Most participating families will receive approximately \$10,000 per student annually, while students with disabilities are eligible for up to \$30,000 per year.

## Utah Judge Strikes Down Private School Choice Program

A Utah state court struck down the "Utah Fits All" Scholarship program, a universal education savings account law enacted in 2023 that provided public funds for private and home education expenses. Parents, teachers and the Utah Education Association challenged the program under provisions of the Utah Constitution. The court concluded that the program was unconstitutional under a provision which restricts how income tax revenue can be used, mandating that Utah's public education system be "free" and "open to all children of the state." The court found that private schools receiving public education funds could reject students for various reasons, which violated the free and open requirements. The court granted plaintiff's motion for summary judgment and permanently enjoined the state from continuing the program.

## Tenth Circuit (CO, KS, NM, OK, UT, WY): Parents Failed to Link School Policy to Constitutional Harm in Gender Identity Disclosure Case

The U.S. Court of Appeals for the 10th Circuit affirmed the dismissal of a lawsuit brought by parents who claimed their constitutional parent rights were violated when Colorado public school officials allegedly discouraged disclosure about their children's gender identity and attendance at after-school Gender and Sexualities Alliance (GSA) meetings. Two middle school students attended a GSA meeting featuring a guest speaker who encouraged students to explore gender identities and advised them not to disclose the meeting or their gender questioning to their parents. After the meeting, one of the students came out as transgender and reported suicidal ideation, while the other attempted suicide. Neither family was notified about participation in the meetings. The parents alleged that the school district had both formal and informal policies promoting secrecy from parents, claiming a violation of their substantive due process rights under the 14th Amendment. The court held that the parents did not plausibly allege that any official policy or custom of the district was the "moving force" behind a constitutional injury, acknowledging that while district policies permitted withholding of certain information from parents in certain circumstances, there was no direct causal link between those policies and the alleged injuries.

## 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.
- [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.

- [Warner v. Hillsborough County School Board](#) – Whether, under [28 U.S.C. § 1654](#), children must hire an attorney to pursue their claims in federal court, or instead their parents may litigate pro se on their behalf.
- [Montana v. Planned Parenthood of Montana](#) – Whether a parent’s fundamental right to direct the care and custody of her children includes a right to know and participate in decisions concerning her child’s medical care, including a minor’s decision to seek an abortion

### **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. (Argued 4/30).
- [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. (Argued 4/22).
- [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. (Argued 4/29).
- [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. (Aruged 3/25)
- [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.
- [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).