



Court Report

Education Law News You Can Use

August 5, 2025

Administration Releases Remaining \$5B in Withheld K-12 Funds

The U.S. Department of Education and the Office of Management and Budget (OMB) previously froze nearly \$6.9 billion in congressionally appropriated funding for key K-12 initiatives, including after-school enrichment, summer learning, English learner services, teacher professional development and academic support for migrant students. After a partial release of \$1.3 billion for after-school enrichment, OMB announced it has completed its programmatic review and confirmed that the remaining \$5 billion will be released.

Administration Pauses Immigration-Based Restrictions on Head Start Enrollment

Head Start, the federally funded early childhood program serving low-income families, has historically been open to all eligible children regardless of immigration status. Last month, the U.S. Department of Health and Human Services (HHS) announced that immigration or citizenship verification would be required for enrollment. Twenty states and the District of Columbia sued in federal court, alleging that HHS failed to follow rulemaking procedures and warned that the changes would harm low-income families and destabilize public programs. HHS has agreed to temporarily pause enforcement of the verification requirements in the plaintiff states until September.

DOJ Issues Guidance on DEI Policies

The U.S. Department of Justice (DOJ) released a comprehensive guidance memo to recipients of federal funding regarding DEI programs and practices. The memo outlines examples of potentially unlawful practices, and emphasizes that facially neutral criteria can be unlawful if they act as proxies for a protected class (e.g., race or sex).

Eighth Circuit (AR, IA, MN, MO, NE, ND, SD) Vacates Injunction in Arkansas on Anti-Indoctrination Law

Two high school students, joined by teachers and the state NAACP chapter, challenged Section 16 of Arkansas' 2023 LEARNS Act, which directs the state secretary of education to identify and eliminate "prohibited indoctrination" in public schools — defined as communications by public school employees that compel students to adopt beliefs violating civil rights laws or ideologies conflicting with equal protection principles, and specifically includes Critical Race Theory (CRT). The students argued that the law infringed on their First Amendment right to receive information because their teachers had removed classroom content out of fear of violating the law. The district court agreed and granted a preliminary injunction, allowing CRT-related teaching to continue pending litigation. The U.S. Court of Appeals for the Eighth Circuit vacated the preliminary injunction. The court reasoned that public school curriculum constitutes government speech, and thus "[s]ince the speech belongs to government, it gets to control what it says." In other words, students cannot compel the government to offer a certain curriculum based on the Free Speech Clause. The teachers asserted a void-for-vagueness claim, but the court did not address it for procedural reasons.

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Fifth Circuit (LA, MS, TX) Rules Anti-Gay Bullying of Mississippi Middle Schooler Not Sufficiently Severe or Pervasive

Over a span of six weeks, boys in several classes insulted a Mississippi sixth grader for being short, mocked his gaming ability and referred to him using slurs related to sexual orientation. The sixth grader reported the bullying to teachers, who sometimes intervened: one moved a classmate across the room. Another told the boys to stop. The bullying culminated in a bathroom incident where the student exposed himself, allegedly to “prove he was a boy” and “not gay.” The district suspended the student and reassigned him to an alternative school. The student sued the district, asserting a Title IX deliberate indifference claim. The U.S. Court of Appeals for the Fifth Circuit affirmed the grant of summary judgment for the school district. The court reasoned that the alleged conduct — albeit offensive — was not severe or pervasive as to effectively bar the student’s access to education. Rather, the court emphasized that the student experienced no harassment in some classes, received some responsive interventions and did not report ongoing interference with his education.

Arizona Supreme Court: No Duty to Student Struck While Jaywalking to School

The Arizona Supreme Court held that a school district did not owe a duty of care to a high school freshman student who was hit by a car while jaywalking across a public street on his way to campus. Although the student was crossing in an area typical for parent drop-off, the court emphasized that schools have a duty to protect students only while they are on school grounds or under school supervision, and that this duty does not extend to public streets that the district neither owns nor controls.

U.S. Supreme Court Petitions to Watch:

- Cambridge Christian School v. Florida High School Athletic Association – Whether, in light of recent decisions, a state athletic association can deny two private Christian schools from offering a prayer over the loudspeaker before a football game—when it normally allows other types of messages from participating schools—just because the prayer is religious.
- 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.
- National Institutes of Health v. American Public Health Association (application for stay) – Whether the Supreme Court should pause a federal injunction preventing NIH from terminating funding for gender identity and DEI-related research grants.

U.S. Supreme Court Cases to Watch:

- 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.
- Galette v. New Jersey Transit Corp. (consolidated with New Jersey Transit Corp. v. Colt) – Whether a state-created public transportation agency is immune from lawsuits filed in other states where its buses or trains cause injuries.