



Court Report

Education Law News You Can Use

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Texas Federal Court Temporarily Blocks Law Requiring Ten Commandments in Classrooms for Certain School Districts

Parents and faith leaders from diverse religious and nonreligious backgrounds sued multiple Texas school districts, seeking a preliminary injunction against Texas Senate Bill 10, which mandates that all public-school classrooms display a 16-by-20-inch framed or poster copy of a specific English Protestant version of the Ten Commandments. The law also requires schools to accept privately donated copies of the poster to avoid using district funds. The U.S. District Court for the Western District of Texas granted a preliminary injunction, finding the law likely unconstitutional. Stressing that schoolchildren form a “captive audience,” the court emphasized that the mandated version of the text not only reflects one religious denomination’s perspective but also risks coercing students into religious observance.

Eighth Circuit (AR, IA, MN, MO, NE, ND, SD) Recognizes Taxpayer Standing to Challenge Paid Union Leave Policy

Three residents sued a Minnesota school district and its teachers’ union over a contract provision that allowed teachers to take up to 100 days of paid leave each year to perform union work. The union reimbursed the district for the cost of hiring substitutes, but not for the higher salary and benefit costs of the teachers on leave. The residents argued that their taxes were improperly used to subsidize political advocacy by teachers during this leave, violating the First Amendment, the Minnesota Constitution and state labor law.

The district court dismissed the case for lack of standing, but the U.S. Court of Appeals for the Eighth Circuit reversed. The court held that two of the residents, as taxpayers within the school district, had standing to sue because the union leave policy directly involved the expenditure of district funds. Even though the union reimbursed substitute costs, the court found that taxpayer dollars still supported the leave arrangement, making the alleged misuse of funds a concrete injury. One plaintiff, who had moved outside the district during litigation, lacked standing, as she was no longer part of the district’s taxpayer base.

The majority emphasized that municipal taxpayers have a “direct and immediate” interest in how school district funds are spent, similar to shareholders in a corporation. The case was sent back to the district court for consideration of the residents’ constitutional and statutory claims on the merits. A dissenting judge argued the plaintiffs had not shown any real expenditure on the alleged illegal activity, since the union reimbursed the district in full for substitute costs.

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Seventh Circuit (IL, IN, WI) Upholds Indiana School District's Suspension of Pro-Life Student Club for Procedural Violations

An Indianapolis-area high school student sought to start a pro-life club, which the school approved. She was allowed to recruit at the activities fair, wear pro-life shirts and distribute materials, successfully enrolling more than 30 students. Conflict arose when she submitted flyers containing slogans and protest imagery, including "Defund Planned Parenthood." Administrators instructed her to revise the flyers to include only the club's name, time, date and location, consistent with a content-neutral rule applied to all student groups. After the student and her mother sought approval from another administrator for the same rejected flyers, the principal suspended the club for the remainder of the semester, citing concerns that it was no longer student-led. The club was reinstated a few months later.

The student, through her parents, sued under the First Amendment and the Equal Access Act. The Seventh Circuit affirmed summary judgment for the school district, concluding that because the flyers would have been posted on school walls alongside official notices and required administrative approval, they could reasonably be perceived as bearing the school's imprimatur. The school's restriction on political slogans served a legitimate pedagogical interest in maintaining neutrality and order and was viewpoint-neutral.

The court also upheld the temporary suspension of the club, finding that the principal acted on neutral grounds—namely, enforcing the rule that student interest clubs must be student-run and follow procedures.

Fourth Circuit (MD, NC, SC, VA, WV) Revives Title IX Claim Against Virginia School Board over Harassment of Student with Gender Dysphoria

A grandmother/adoptive mother of a 14-year-old (biological) girl sued a Virginia school board and staff after her child endured repeated harassment and assaults at school. The student, who had recently been diagnosed with gender dysphoria, was told by a counselor that he could use the boys' restroom. Following that advice, the student faced escalating abuse from peers—including threats of rape and knife violence and physical assaults in hallways and restrooms. Despite confirming reports of harassment, school staff did not notify the parent about the student's gender identity, restroom use or peer threats. Instead, the student was interrogated about her allegations and ultimately suffered a breakdown that led to them running away and being victimized by sex traffickers.

The district court dismissed all claims, but the U.S. Court of Appeals for the Fourth Circuit reinstated the Title IX deliberate indifference claim. The majority held that the complaint plausibly alleged that the school board failed to take "reasonably calculated" steps to end known harassment. While staff eventually directed the student to use the nurse's restroom, the court noted that the board took no meaningful action against the students making threats and, at times, pressured the victim to recant. This inaction, the court reasoned, could amount to deliberate indifference under Title IX.

U.S. Supreme Court Allows NIH to Terminate Grants Tied to DEI and Gender Identity Research

In a divided emergency order, the U.S. Supreme Court allowed the federal government to proceed with cancelling nearly \$800 million in National Institutes of Health grants linked to diversity, equity, and inclusion (DEI), gender identity and COVID-19 research. Lower courts had ruled the cancellations arbitrary and capricious, but the Court held that challenges seeking reinstatement of funding must go to the Court of Federal Claims, not the district court. The ruling signals headwinds for schools and universities that rely on federal funding for DEI or gender-related programs, suggesting that future challenges could be funneled away from district courts and into narrower contract-based forums.

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.
- [*South Carolina v. Doe*](#) (application for stay) – Whether South Carolina’s law—a budget proviso conditioning school funding on prohibiting transgender students from using multi-stall restrooms consistent with their gender identity—violates the Equal Protection Clause and Title IX, and whether the Fourth Circuit erred in granting an injunction allowing a transgender student to use the boys’ restroom pending appeal.

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.