



# Court Report

Education Law News You Can Use

September 15, 2025

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## **Northern Virginia School Districts Sue Trump Administration over Transgender Bathroom Access and Federal Funding**

Two Northern Virginia school boards (Fairfax County and [Arlington](#)) have filed lawsuits against the U.S. Department of Education and Secretary Linda McMahon, challenging the agency's decision to put both districts on "high-risk" status and move all federal education funding to reimbursement-only due to district policies that allow transgender-identifying students to use restrooms and locker rooms matching their gender identity. Both lawsuits ask the court to block the funding restrictions and declare their policies compliant with Title IX.

## **Fifth Circuit (LA, MS, TX) Affirms \$250,000 Verdict in Student Abuse Case for Rehiring Teacher with Past Misconduct**

A Texas high school student sued his district under Title IX and § 1983 after a teacher sexually abused him. The teacher first worked at the district from 2008 to 2012, during which time he regularly blurred boundaries with students: attending parties, buying gifts, and even taking a student on family vacations. Community members knew about his close relationship with a male student, which later became public after that student graduated. District administrators placed the teacher on leave at one point, but quickly reinstated him, citing inconclusive results from their review. The teacher ultimately left the district in 2012 after failing his certification exam, not because of misconduct findings.

Three years later, in 2015, the teacher reapplied to the same high school. At the board meeting to consider his candidacy, trustees discussed rumors of his past relationships with students, including the former student he had publicly dated. One trustee even presented a Facebook post confirming the relationship. Despite these warnings, the board voted 4–2 to rehire him. Testimony suggested that the teacher's family's political ties may have influenced support for his return. After his rehiring, the teacher again crossed professional boundaries (e.g., attending student parties), and eventually groomed and sexually abused the plaintiff.

A jury awarded the student \$250,000 in damages, finding the district liable under both Title IX and § 1983. The U.S. Court of Appeals for the Fifth Circuit affirmed the verdict. The court reasoned that with several trustees acknowledging and discussing the prior inappropriate relationships but still approving the rehire, this evidence supported the jury's finding that the board acted with deliberate indifference to the known risks and that the rehire decision directly caused the abuse.

## **Sixth Circuit (KY, MI, OH, TN): Incremental Discipline Defeats Title VI Student Harassment Claim**

The parents of a Black student sued a Michigan school district, alleging that officials failed to adequately respond when classmates subjected her to repeated racial harassment in middle and high school. Throughout the course of several years, peers directed racial slurs at her, mocked her appearance (especially her hair), and made other derogatory remarks (e.g., "go back to the plantation and pick some cotton") and mocked her appearance. The student ultimately transferred to another district, and her parents brought claims under Title VI, the Equal Protection Clause, and Michigan civil rights law.

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The U.S. Court of Appeals for the Sixth Circuit affirmed summary judgment for the district, finding that the school's responses did not amount to deliberate indifference. While racism at the school was troubling, the court reasoned that general awareness of a widespread problem cannot substitute for showing deliberate indifference to known incidents of harassment. The court emphasized that Title VI does not require schools to eliminate all harassment but instead obligates them to respond in good faith and not act in a clearly unreasonable manner. Administrators consistently investigated reports, disciplined offending students with suspensions, behavior contracts, or warnings, communicated with parents, and even fired a school employee who made derogatory comments. The record showed little repeat harassment by the same offenders, suggesting that the disciplinary measures were generally effective.

### **Eighth Circuit (AR, IA, MN, MO, NE, ND, SD) Rejects Principal's First Amendment Retaliation Claim After Reassignment Tied to LGBTQ+ Advocacy**

A Minnesota middle school principal with nearly 30 years in the district alleged that administrators demoted her in retaliation for her advocacy on behalf of LGBTQ+ students. As part of an "inclusion project" she directed, she used district funds to create a flag display featuring a Pride flag, distributed Pride stickers, and later assisted students in creating a new student organization, the Gay-Straight Alliance (GSA). Mounting staff complaints prompted the school board to retain outside investigators, who concluded the principal's leadership contributed to a negative and divided workplace. In response, the superintendent suspended the principal and reassigned her to an administrative role. The principal sued under Title VII, Title IX, and the First Amendment, arguing that her reassignment punished her pro-LGBTQ+ speech. The U.S. Court of Appeals for the Eighth Circuit affirmed summary judgment for the district, holding that most of her speech occurred in her role as principal, not as a private citizen. Because she used district funds, staff time, and her official authority to install the flag display and promote the GSA, the court determined she spoke pursuant to her professional duties, making the speech government speech unprotected by the First Amendment.

### **Seventh Circuit Upholds Termination of Illinois Teacher over Disruptive Social Media Posts**

An Illinois high school social studies teacher with two prior suspensions for profanity in the classroom lost her job after posting inflammatory comments on Facebook during the nationwide protests following the death of George Floyd. In 2016, the district suspended her for erupting in profanity at students after the presidential election, warning that further incidents could lead to dismissal. In 2019, she again cursed at students during class, earning a second suspension, a formal notice to remedy, and mandatory counseling. Despite these warnings, in 2020 she posted on her personal Facebook account—followed mostly by former students—that she needed "a gun and training," joked about using septic trucks to disperse protesters, and compared the phrase "white privilege" to a racial slur. The posts quickly circulated, sparking more than 100 complaints from students, parents, and staff, attracting national media attention and disrupting summer school classes. After public meetings, the school board voted to terminate her employment. The teacher challenged her termination as First Amendment retaliation. The U.S. Court of Appeals for the Seventh Circuit affirmed summary judgment for the school district, recognizing that while she had spoken as a citizen on a matter of public concern, the district's interest in maintaining workplace efficiency and preventing disruption outweighed her speech rights. The court emphasized the evidence of actual disruption and her prior suspensions for similar misconduct.

### **Seventh Circuit (IL, IN, WI) Rejects Age-Based Hostile Work Environment Claim**

A kindergarten teacher with more than 30 years of experience sued her Illinois school district under the Age Discrimination in Employment Act (ADEA), alleging that her involuntary transfer to a different elementary school created a hostile work environment because of her age. After her transfer, she was assigned a class with numerous students needing behavioral and academic support, received critical feedback from the new principal, was denied her request for a crisis-intervention aide, and had an intimidating interaction with an administrator-in-training. She argued that these incidents collectively reflected intentional harassment based on her age (then early 50s). The Seventh Circuit affirmed summary judgment for the district, holding that the teacher failed to produce evidence showing that any of the challenged actions were motivated by age bias. The court noted that no administrator or colleague ever made an age-related remark, and the only link between her treatment and her age was her own belief, emphasizing that speculation or subjective impressions are insufficient to create a triable issue of fact. The transfer was supported by evidence that she was placed at the new school to help stabilize a struggling kindergarten program, not because of her age. Similarly, disputes over classroom management, IEP compliance, or staff interactions reflected pedagogical disagreements and personnel issues, not unlawful age discrimination.

### U.S. Supreme Court Petitions to Watch:

- [\*South Carolina v. Doe\*](#) (application for stay) – South Carolina filed a request with the U.S. Supreme Court to allow its state law prohibiting transgender-identifying students from using multi-stall restrooms consistent with their gender identity to take effect while litigation is appealed. **The Supreme Court denied the request, noting that it was expressing no view on the merits. Notably, Justice Gorsuch, the author of *Bostock v. Clayton County*, along with Justices Thomas and Alito, would have granted the application.**
- [\*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.

### 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. **The Plaintiff has sought to dismiss the claims and moot the Supreme Court case, and these matters are pending before the Supreme Court and the District Court.**
- [\*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.