



Court Report

Education Law News You Can Use

November 17, 2025

Sixth Circuit (KY, MI, OH, TN) Finds Ohio School District's Preferred Pronoun Policy Likely Violates First Amendment

A Columbus, Ohio-area school district adopted several policies (an anti-harassment policy, a personal device use policy and a student code of conduct) that prohibit students from using biological pronouns for transgender or nonbinary classmates and requires use of those classmates' preferred pronouns. Members of a parent organization challenged the policies on behalf of students who believed only two biological sexes exist and who desired to use biological pronouns in line with their beliefs. The Sixth Circuit en banc held that the district likely violated the First Amendment by disallowing the students' intended speech: the district presented no evidence that using biological pronouns would materially and substantially disrupt school operations or infringe the legal rights of other students under Tinker standard. The court recognized the district's interest in protecting transgender and nonbinary students from harassment but found that the sweeping prohibition on biological-pronoun usage amounted to viewpoint discrimination because it forced one side of the debate to employ a different mode of expression. Accordingly, the court reversed the denial of a preliminary injunction and remanded for a hearing on a properly tailored injunction barring punishment of students for using biological pronouns — although the ruling does not prevent the district from enforcing its anti-harassment rules in other contexts. The court distinguished this case from situations where student speech is school-sponsored and from outright compelled ideological speech, finding the speech at issue was personal student expression requiring meaningful protections.

Indiana Attorney General Sues Indianapolis Public Schools for Hindering ICE Efforts

The State of Indiana, through Attorney General Todd Rokita, sued Indianapolis Public Schools (IPS), alleging the district maintains policies that unlawfully restrict cooperation with federal immigration authorities and block communication of immigration-status information by school staff. At issue were three types of IPS policies: (1) a "non-assistance" directive that staff shall not aid immigration enforcement unless directed by the superintendent; (2) a policy prohibiting collection, maintenance or sharing of student/parent/employee immigration-status information; and (3) a policy restricting access to school facilities by federal immigration authorities absent a judicial warrant or exigent circumstances. Indiana law provides that local governmental entities cannot adopt policies "less than the full extent allowed by federal law" regarding cooperation with federal immigration enforcement and information-sharing. The complaint alleges a specific incident from January 2025, in which U.S. Immigrations and Customs Enforcement (ICE) claimed it was prevented from releasing a student to his father, an undocumented Honduran national who had a voluntary departure order, because the student's district required a warrant. The suit further alleges that the delay led to the father missing his flight and remaining in the U.S. beyond his departure order. The suit seeks a preliminary injunction to prevent IPS from enforcing the challenged policies.

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Jury Awards \$10 million to Virginia Teacher Shot by 6-year-old

In January 2023, a six-year-old first-grade student at a Virginia elementary school brought a 9mm handgun from home, placed it in his backpack, and during class shot a classroom teacher, first through her raised left hand and then into her chest. The teacher spent nearly two weeks hospitalized and underwent six surgeries, continuing to carry the bullet fragment lodged in her chest. The teacher later sued, claiming that an assistant principal acted with gross negligence by failing to respond to multiple staff reports that the student had a firearm earlier in the day, including reports from two teachers and a guidance counselor. The administrator's defense argued that the incident was unforeseeable, that school safety is a team responsibility and not solely hers, and that the teacher herself did not alert the assistant principal directly or move the student out of class before the shooting. After a six-day trial, a jury deliberated more than five hours and found the assistant principal liable, awarding the teacher \$10 million in damages.

Florida Federal Court Upholds School Library Book Removal

A group of children's book authors and an elementary student challenged a Pensacola-area school district's decision to remove *And Tango Makes Three*, a picture book featuring same-sex penguin parents, from school library shelves. The group claimed the district engaged in unconstitutional, viewpoint-based censorship that violated the authors' First Amendment speech rights and the student's right to receive information. The U.S. District Court for the Northern District of Florida granted summary judgment for the school district, concluding that a school library's book-selection and book-removal decisions do not create a public forum for private speech and therefore do not trigger First Amendment protections for authors or students. The court emphasized that library curation falls within the government's traditional discretion to determine the content it provides, regardless of whether the action is characterized as government speech. The judge also noted the practical impossibility of separating permissible "pedagogical" decisions from impermissible viewpoint considerations when reviewing book removals.

Massachusetts Federal Court Dismisses Hairstyle-Bias Suit

A Black elementary student and her mother sued a Massachusetts public school district after the student's white teacher told her that her braided hairstyle with beads was "distracting" and "loud," and the student later transferred to another school. The family alleged that the district violated the student's First Amendment rights and denied equal protection, among other claims. The U.S. District Court for the District of Massachusetts dismissed the claims. The court applied First Circuit precedent, under which a student's hairstyle does not constitute expressive conduct protected by the First Amendment. The court also found no viable equal protection claim because the complaint did not identify similarly situated peers who received different treatment.

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. (*Petition denied*).
- *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.
- *Foote v. Ludlow School Committee* – Whether a public school violates parents' constitutional rights when, without parental knowledge or consent, the school encourages a student to transition to a new "gender" or participates in that process.
- *Little v. Llano County* – Whether the First Amendment applies to public library book-removal decisions.

- *Crowther v. Board of Regents of the University System of Georgia* – Whether Title IX provides employees of federally funded educational institutions a private right of action to sue for sex discrimination in employment.

U.S. Supreme Court Cases to Watch:

- *Chiles v. Salazar* – Whether Colorado’s law prohibiting certain conversations between licensed counselors and minors regarding changes to a minor’s sexual orientation or gender identity (i.e., “conversion therapy”) violates the Free Speech Clause. (*Argued October 7*).
- *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. (*Set for argument January 13, 2026*).
- *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. (*Set for argument January 13, 2026; suggestion of mootness deferred to oral argument*).
- *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. (*Set for argument January 14, 2026*).