



# Court Report

Education Law News You Can Use

April 29, 2025

---

---

## **Federal Court Blocks ED's Enforcement of Anti-DEI Guidance**

On Thursday, April 24, a federal judge issued a preliminary injunction blocking the U.S. Department of Education (ED) from enforcing new restrictions targeting diversity, equity, and inclusion (DEI) initiatives in schools. The ruling came in response to a lawsuit filed by the National Education Association (NEA), its New Hampshire affiliate, and the Center for Black Educator Development. Judge Landya McCafferty of the U.S. District Court in New Hampshire found that the plaintiffs were likely to succeed on their claim that the ED's Feb. 14 [Dear Colleague Letter](#) exceeded its authority and violated federal law. Although the plaintiffs sought a nationwide injunction, the ruling applies to any school system employing or contracting with NEA members—potentially impacting millions of educators nationwide.

## **U.S. ED Seeks to Terminate Maine's Federal K-12 Funding**

The U.S. Department of Education referred its Title IX investigation into the Maine Department of Education (MDOE) to the U.S. Department of Justice (DOJ) for further enforcement and intends to initiate an administrative proceeding seeking termination of MDOE's federal K-12 funding. ED's Office for Civil Rights (OCR) investigation found that MDOE violates Title IX by allowing transgender participation in girls' sports.

## **DOJ Sues Maine Over Transgender Participation in Girls' Sports**

Relatedly, the DOJ initiated suit against the MDOE, claiming that Maine is violating Title IX by "unfairly forc[ing] girls to compete against boys in competitions designated for girls." The complaint cites "inherent physiological differences" that "exist regardless of how a person identifies" that render competition unfair. The DOJ has characterized Maine as defying recent executive orders, including the Feb. 5, 2025 Executive Order 14201 titled "[Keeping Men Out of Women's Sports](#)."

## **Maine Wins TRO Against Title IX Funding Freeze from USDA**

The U.S. Department of Agriculture (USDA) froze about \$97,000 in administrative funds and \$374,000 in state operating expenses over Maine's transgender sports participation, alleging a Title IX violation. The State of Maine sought a temporary restraining order (TRO) against USDA in federal court, and the U.S. District Court for the District of Maine granted the TRO, finding procedural failures in USDA's action that likely violated the Administrative Procedure Act.

## **NAACP Sues ED Over Recent DEI Directives**

In a similar vein, the NAACP filed suit against ED in federal court in Washington D.C., challenging ED's Feb. 14 Dear Colleague Letter, associated [Feb. 28 FAQ document](#), and the Apr. 3 certification directive. The NAACP asserts multiple constitutional challenges to the recent anti-DEI directives, including the Equal Protection Clause of the Fourteenth Amendment, the Due Process Clause of Fifth Amendment, and the First Amendment freedom of association and right to receive information. (The NAACP's lawsuit is similar to [another lawsuit](#) filed by the American Federation of Teachers in late February challenging ED's Dear Colleague Letter.)

Compiled By:

**BOSE  
McKINNEY  
& EVANS LLP**

ATTORNEYS AT LAW

**BOSE**  
publicaffairs  
group



Celebrating 25 Years of  
*Powerful Persuasion*

## Sixteen States Plus D.C. Sue ED for Canceling ESSER Spending Extensions

In late March, ED canceled spending extensions for Elementary and Secondary School Emergency Relief (ESSER) funds, which were part of COVID-related economic stimulus plans. Sixteen states and the District of Columbia sued ED in the U.S. District Court for the Southern District of New York, challenging the “drastic and abrupt” cancellation as an “arbitrary and capricious” action in violation of the Administrative Procedures Act.

### 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.

### 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. (Set for argument 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. (Set for argument 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.
- [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. (Argued 3/26).
- [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).