



Court Report

Education Law News You Can Use

November 3, 2025

Second Circuit (CT, NY, VT): Student's Off-Campus Snapchat Spoof of George Floyd Killing Protected by First Amendment

A high school senior in New York posted an image on his Snapchat story from a parking lot outside school hours showing a friend kneeling on his neck with the caption, "Cops got another," evoking imagery akin to the killing of George Floyd in summer 2020. While the student removed the post within minutes, another student captured a screenshot and widely reposted it, triggering dozens of complaints to the school and prompting a schoolwide assembly and student demonstration. The district suspended the student for five days, barred him from participating in extracurriculars for the rest of the year, and charged him with off-campus misconduct that "interferes with ... the educational process." The U.S. District Court for the Southern District of New York granted summary judgment to the school district, concluding that the student's off-campus speech caused a substantial disruption, and thus fell outside First Amendment protection. On appeal, the U.S. Court of Appeals for the Second Circuit reversed, concluding that that even off-campus student speech retains strong First Amendment protection, and the school district failed to show either that (a) the speech was unprotected (e.g., a true threat or incitement), or (b) the disruption was caused by the student's speech itself rather than by others' reaction. The Second Circuit reasoned that while the school had a legitimate interest in addressing racially offensive speech and protecting students' sense of safety, those interests were diminished because the speech occurred off-campus via a social-media post and lacked a close nexus to the school's supervisory role. Moreover, the record did not show the school acted to protect student safety or that the speech materially disrupted school operations, as the schoolwide assembly was about 20 minutes, and the student demonstration was less than 10 minutes.

Washington Federal Court Orders ED to Reinstate Mental Health Grants

In April 2025, the U.S. Department of Education (ED) abruptly cancelled multiyear federal grants—worth up to about \$1 billion—under the School Based Mental Health Services Grant Program and the Mental Health Service Professional Demonstration Grant, programs created to help K 12 and higher ed institutions hire school psychologists, counselors, and other mental health professionals, especially in rural or underserved areas. In late June 2025, a coalition of 16 states sued ED, arguing that the cancellations were arbitrary and capricious under the Administrative Procedure Act (APA) and violated the statutory priorities set by Congress. The U.S. District Court for the Western District of Washington issued a preliminary injunction ordering ED to reinstate those grants for the affected recipients, finding that the states were likely to succeed on the merits because ED "offered no evidence" that it had considered relevant data before terminating the awards, thus failing to show a rational connection between its decision and the facts.

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Oregon Federal Court Blocks HHS from Cutting Sex Ed Grants Over Gender Identity Content

A coalition of 16 states and the District of Columbia sued the U.S. Department of Health and Human Services (HHS) after the agency — acting through the Personal Responsibility Education Program (PREP) and the Title V Sexual Risk Avoidance Education Grant (SRAE) — threatened to cut or terminate funding unless states removed any references to gender identity from their sex education curricula. In late October 2025, a federal judge in the District of Oregon granted a preliminary injunction directing HHS not to withhold or retroactively condition these grant funds based on exclusion of gender identity references. The court found that HHS lacked a reasoned basis for its new conditions, noting the agency failed to ground its decision in relevant data, ignored Congress's authorizing statute, and imposed a viewpoint based restriction in violation of constitutional and statutory protections. The court further held that curricula which deny the existence of transgender or gender diverse individuals do not satisfy the statutory requirement that sex education programs be "medically accurate and complete."

New York's High Court Dismisses Racial Bias Suit Over NYC Gifted Schools

In 2021, a group of students, parents, and advocacy organizations sued the New York City Department of Education and the State of New York, alleging that the City's admissions and screening policies (including, for example, the Gifted & Talented program) discriminated against Black and Latino students by relegating them to less-resourced schools and denying them a "sound basic education." The New York Court of Appeals, the state's high court, held in a 5-2 decision that the plaintiffs failed to state a cognizable claim because the allegations did not show a district-wide failure in providing minimally adequate resources nor a sufficiently pled causal link between admissions policies and educational inputs. The dissent criticized the majority for ignoring allegations of an "utterly pathetic" system and applying a standard "that is perilously close" to a summary judgment standard.

SFFA Sues Hawaii Private School Over Native Preference Admissions Policy

Following its successful challenge to the race-conscious admissions programs at Harvard University and University of North Carolina which culminated in a landmark U.S. Supreme Court ruling, advocacy group Students for Fair Admissions (SFFA) has sued a private K-12 system in Hawaii, alleging that the school's admissions policy gives unlawful preference to students of Native Hawaiian ancestry.

Tenth Circuit (CO, KS, NM, OK, UT, WY) Revives Claims Against Salt Lake City School District Over Automatic Special Ed Placement

Two elementary students with intellectual disabilities sued the Salt Lake City School District, alleging that its "hub" system (which placed students into self-contained special education classes at a few designated schools based largely on IQ scores) violated the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act. The U.S. Court of Appeals for the Tenth Circuit held that the plaintiffs had sufficiently alleged that the district failed to make individualized placement determinations as required by IDEA and instead made automatic assignments based on categorical disability labels and administrative convenience. The court also found that the students plausibly stated discrimination claims under the ADA and Section 504 by alleging that the hub system denied them access to integrated educational settings and equivalent participation in school services.

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.
- [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.

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.
- [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. *Suggestion of mootness deferred pending 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.