



Court Report

Education Law News You Can Use

December 8, 2025

U.S. Supreme Court Remands Amish Vaccine Case After Expanding Parents' Free Exercise Rights

In 2019, after New York repealed its religious exemption to school vaccination, a group of Old Order Amish families whose children were excluded from attending private Amish schools due to noncompliance with the vaccine requirement, challenged the law as a burden on religious exercise. After the U.S. Court of Appeals for the Second Circuit (CT, NY, VT) affirmed New York's elimination of the religious exemption, the U.S. Supreme Court granted review, vacated the Second Circuit's judgment and remanded the case for reconsideration in light of its July 2025 Free Exercise decision in *Mahmoud v. Taylor*. In *Mahmoud*, a majority of the Court held that a public school district violated parents' First Amendment religious freedom rights by refusing to allow opt outs from classes using "LGBTQ inclusive" storybooks, reasoning that forcing participation imposed a substantial burden on the parents' ability to direct their children's religious upbringing. Now on remand, the Second Circuit must now reevaluate whether New York's vaccine mandate law (which allows medical but not religious exemptions) substantially burdens religious exercise, and, if so, whether the state can satisfy strict scrutiny through a compelling interest and narrow tailoring.

Coalition of States, School Districts and Unions Sue Over ED's Interagency Agreements

A broad coalition of about 20 states (led by Democratic attorneys general), along with school districts and educator unions, filed an amended complaint in Massachusetts federal court challenging ED's decision to outsource many of its core functions to other federal agencies. The coalition contends that the interagency transfers, combined with earlier mass layoffs, exceed the agency's statutory authority and effectively amount to shuttering an agency that Congress created. The lawsuit seeks declaratory and injunctive relief to block further implementation of the so-called dismantling.

Ninth Circuit (AK, CA, HI, ID, MT, NV, OR, WA) Leaves Mental Health Grant Injunction In Place

After the U.S. Department of Education (ED) announced a discontinuation of multi-year grants supporting mental health services in K-12 schools, a coalition of states sued in federal court in Washington. The U.S. District Court for the Western District of Washington granted a preliminary injunction against the funding cuts, finding that the states were likely to succeed on the claims that the cancellations violated the Administrative Procedure Act. ED appealed the order and moved for an emergency stay. The U.S. Court of Appeals denied the stay, concluding that ED had not made a strong showing of a likelihood of success on the merits or irreparable harm if the stay was not granted. The injunction will remain in place as the district court is expected to resolve the merits of the claims the end of the month.

Compiled By:

**BOSE
McKINNEY
& EVANS LLP**
ATTORNEYS AT LAW

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Texas Attorney General Sues Galveston Independent School District for Failure to Comply with Ten Commandments Display

In June 2025, the Texas legislature enacted [Senate Bill 10](#), which requires all public elementary and secondary schools to accept privately donated copies of the Ten Commandments and display them in a conspicuous place in each classroom. A state senator donated copies to the Galveston Independent School District, but the school board voted to refuse to display the donated copies. The State of Texas, through Attorney General Ken Paxton, is seeking declaratory and injunctive relief against Galveston ISD for the refusal.

Texas Federal Court Blocks Ten Commandments Display for 11 School Districts

With respect to the same Senate Bill 10, the U.S. District Court for the Western District of Texas entered a preliminary injunction that required 11 defendant school districts to remove any Ten Commandments displays from classrooms by Dec. 1, 2025, and prohibits the posting of new displays while the case proceeds. The court reasoned that placing a religious text in every classroom lacks a secular purpose and has the primary effect of endorsing religion.

Fifth Circuit (LA, MS, TX): No Duty to Evaluate Chronically Absent Student under IDEA

A Houston-area high school student repeatedly failed courses over two years and missed dozens of school days each semester. Her parents routinely excused her absences, citing family travel and minor illnesses. Teachers expressed concern about her attendance but observed that she performed well when present. The district recommended support interventions, including placement in an alternative education program, but the student's parents declined to participate. In her sophomore year, the student's parents withdrew her from the district and filed a due process complaint, claiming the district failed its "child find" obligations under the Individuals with Disabilities Education Act (IDEA). The district offered to evaluate the student, but the parents refused consent. Instead, they obtained a private neuropsychological evaluation that diagnosed learning disabilities in reading and math. The evaluation did not include teacher input, classroom observation, or any consideration of the student's attendance record. The U.S. Court of Appeals for the Fifth Circuit affirmed the grant of summary judgment for the school district, concluding that the student did not qualify for special education services, as the student's chronic absenteeism and low grades did not trigger the district's duty to evaluate under IDEA. The court distinguished from instances where poor attendance was accompanied by known behavioral, medical, or psychological concerns.

U.S. Supreme Court Petitions to Watch:

- [Little v. Llano County](#) – Whether the First Amendment applies to public library book-removal decisions. (*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.
- [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 Oct. 7, 2025*).
- *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 Jan. 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 Jan. 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 Jan. 14, 2026*).