

Federal Litigation Updates

NEA Joins Suit Challenging Community Schools Grant Cancellations

On February 27th, NEA [joined](#) a lawsuit brought by a coalition of unions, school districts, and nonprofit groups challenging the Department of Education's (ED) discontinuation of \$132 million in Full Service Community Schools grants, which support district programs to provide academic, social, and health services for students, families, and communities at high-poverty schools. The lawsuit claims that ED did not follow the legally required process to cancel the grants and that the discontinuations violated the First Amendment by targeting grants that allegedly promoted disfavored DEI activities.

SCOTUS Halts California Limits on Student LGBTQ+ Disclosure to Parents

On March 2nd, the U.S. Supreme Court issued an [unsigned shadow-docket order](#) in [Mirabelli v. Bonta](#), blocking California's policies that prohibited schools from disclosing students' LGBTQ+ identities to their parents without the student's consent. The Court found that these policies likely violate parents' First Amendment right to control their children's religious upbringing and due process right to be involved in decisions regarding their children's gender identities. The ruling expands on last Term's decision in [Mahmoud v. Taylor](#), which recognized a First Amendment right for parents to opt their children out of lessons and curricular materials, including LGBTQ+ characters and topics on religious grounds.

Appeals Court Denies ED Stay in School-Based Mental Health Grant Case

On February 26th, the Ninth Circuit [denied](#) ED's motion to stay a district court order in a case brought by 15 state Attorneys General, which requires the Department to reconsider its termination of 138 School-Based Mental Health grants in the plaintiff states. The order followed the district court's final decision that the discontinuations were unlawful. The Ninth Circuit held that ED was not likely to show that the district court erred in finding the cancellations illegal and therefore must comply with its order.

Appeals Court Clears Path for Trump Anti-Union EO

On February 26th, the Ninth Circuit [vacated](#) a district court's [preliminary injunction](#) blocking a [March 2025 executive order](#) (EO) that stripped collective bargaining rights from employees of certain federal agencies on national security grounds. The court found that the union plaintiffs were unlikely to succeed on their claim that the EO unconstitutionally retaliated against them for suing the Trump Administration. NEA has also filed a [lawsuit](#) challenging the EO and won a [preliminary injunction](#) restoring the bargaining rights of educators in DoDEA schools. The government's appeal of that preliminary injunction is pending.

District Court Allows Challenge to Dismantling of IES to Proceed

On February 25th, the District of Columbia district court [denied](#) the Trump Administration's motion to dismiss [two lawsuits](#) challenging the dismantling of ED's Institute of Education Sciences (IES), allowing the case to move forward. The court held that the plaintiffs — organizations of education researchers and policy advocates — had plausibly alleged concrete harms and that dismantling the IES programs was unlawful.

State Litigation Updates

Kentucky Supreme Court Finds Charter School Law Unconstitutional

On February 19th, Kentucky's Supreme Court [struck down](#) the state's charter school law, finding that the law unconstitutionally directed public funds to charter schools that do not qualify as "common schools" as defined in the [state constitution](#). Voters had previously [rejected](#) a state constitutional amendment that would have allowed public funds to be used for charter and private schools.

WEAC Sues Wisconsin Legislature Over School Funding Formula

On February 23rd, the Wisconsin Education Association Council (WEAC), along with a coalition of unions, parents, districts, and advocates, filed a [lawsuit](#) alleging that the Wisconsin State Legislature has chronically underfunded the state's public schools and thus violated its constitutional duty to provide all students with a "sound basic education." The legislature repealed a mechanism to increase public-school funding to account for inflation in 2009, and since then, has passed laws prioritizing funding for private school vouchers and independent charter schools. The plaintiffs argue that this underfunding has forced districts to lay off educators, increase class sizes, and cut required programs and thus has caused a decline in student achievement.

Appeals Court Affirms Free Speech Rights of California Elementary Student

On March 10th, the Ninth Circuit joined four other courts of appeals in [affirming](#) that elementary school students have First Amendment free speech rights at school. The unanimous opinion emphasized that, under the First Amendment, school officials must demonstrate that any interference with protected student speech was reasonably necessary to prevent disruption or protect student well-being, taking into account the age of elementary students. The case was brought on behalf of a California first-grader who was suspended from recess for sharing an allegedly offensive drawing with a classmate and reached the Ninth Circuit after a district court found that the drawing was not protected speech. The panel remanded for the district court to determine whether the first-grader's suspension was reasonably necessary or unconstitutional.