

JUNE 19, 2025



NEA WEEKLY LEGAL RUNDOWN

From the Office of the General Counsel

Litigation Updates

NEA Joins Lawsuit Challenging Executive Order Dismantling FMCS

On June 16th, NEA and the Ohio Education Association joined as plaintiffs in a [lawsuit](#) challenging the Trump Administration's attempt to dismantle the Federal Mediation and Conciliation Service (FMCS), which had slashed staff and sharply limited its mediation services following a [March 14th EO](#). In April, a group of State Attorneys General filed [suit](#) in the District of Rhode Island, leading to a preliminary injunction based on findings that the Administration's actions were likely arbitrary and capricious, violated the Administrative Procedure Act, and unlawfully curtailed operations without congressional approval, raising constitutional concerns under the separation of powers and the Take Care Clause. A group of unions, which NEA has now joined, filed their own lawsuit in the Southern District of New York and are now pushing for summary judgment.

NEA and WEA File Lawsuit Challenging Wyoming Universal Voucher Program

On June 13th, NEA and the Wyoming Education Association (WEA) [filed a lawsuit](#) challenging the constitutionality of Wyoming's Steamboat Legacy Scholarship Act, which creates a \$50 million universal private-school voucher program. Filed on behalf of WEA and nine Wyoming parents and teachers, the lawsuit argues the voucher program violates state constitutional mandates for a "complete and uniform" public education system and prohibits diverting public funds for private use. In response to NEA's request for a preliminary injunction and expedited hearing, the court has set a hearing for June 27th to block the program before its July 1st launch.

SCOTUS Rejects Higher Standard for Disability Discrimination Claims in Schools

On June 12th, the U.S. Supreme Court issued a [unanimous decision](#) making it easier for families to bring lawsuits alleging disability-related discrimination by schools under Title II of the ADA and Section 504 of the Rehabilitation Act. The opinion reverses a decision by the U.S. Court of Appeals for the Eighth Circuit that required students with disabilities to meet a higher legal standard than applies in disability cases outside of educational settings.

SCOTUS Allows States to Ban Gender-Affirming Care for Minors

On June 18th, the U.S. Supreme Court [upheld](#) Tennessee's law banning gender-affirming medical care for transgender minors in a 6-3 decision. The majority ruled that the Tennessee law does not draw classifications on the basis of sex, but on the basis of age and medical use. This reasoning, as dubious as it is, meant that the majority did not reach the issue of whether transgender individuals are a protected suspect or quasi-suspect class. The ruling, therefore, does not preclude litigants in other cases from continuing to challenge laws targeting transgender individuals as unconstitutional. However, the impact of the ruling will be devastating for the ability of transgender youth and their families to seek and obtain gender-affirming medical care. Twenty-seven states now ban such care, although two court orders (Arkansas and Montana) have prevented the bans from going into effect. Litigation in these and other states over the issue will certainly continue.

Trump's NIH Cuts Declared Unconstitutional

On June 16th, a Massachusetts district court judge [ruled](#) that the National Institutes of Health (NIH) unlawfully ended hundreds of grants without congressional approval. The decision came in response to two lawsuits, one from a coalition led by the [American Public Health Association](#) and another from [16 states](#). The court found that the Trump Administration had shown bias against racial minority and LGBTQIA+ communities in choosing which grants to cut and ordered the reinstatement of those grants named in the suits. The Administration may appeal.

Judge Dismisses Lawsuit Challenging Columbia Grant Freezes

On June 16th, a New York district judge dismissed the [lawsuit](#) brought by the American Association of University Professors and the American Federation of Teachers contesting Columbia University's \$400 million federal funding cut. The court held that the organizations did not have standing to raise their claims about payouts to Columbia, which did not join the case. The plaintiffs have since [appealed](#).

Tennessee Sues Department of Education Over HSIs

On June 11th, Tennessee and Students for Fair Admissions [sued](#) the Department of Education (ED), claiming that the eligibility criteria for Hispanic-Serving Institutions (HSIs) are unconstitutional and discriminatory. To receive funding through the federal Developing Hispanic-Serving Institutions Program, colleges must enroll at least 25% Hispanic students, with a majority from low-income backgrounds. The lawsuit seeks to have this use of race- and ethnicity-based requirements declared unconstitutional and banned in the awarding or renewing of grants to Tennessee's higher education institutions.

California Sues Department of Justice Over Anti-Trans Athlete Certification Directive

On June 9th, California filed a [lawsuit](#) against the Department of Justice (DOJ), aiming to block anticipated federal action against the state's school systems for allowing transgender students to join sports teams that match their gender identity. The lawsuit follows a [DOJ letter](#) warning California school districts that they could face legal consequences and demanding that schools certify by June 9th that they do not permit transgender students to participate on gender-aligned teams. The lawsuit argues that DOJ's directive violates the U.S. Constitution, and seeks to stop the Administration from withholding or conditioning federal funds based on compliance.

DOJ Wins Case Blocking Texas' In-State Tuition Policy for Undocumented Students

On June 4th, DOJ filed a [lawsuit](#) against Texas alleging that the state's policy allowing undocumented students to pay in-state tuition violates federal law. The suit claimed that the policy violates a [federal statutory provision](#) by granting benefits to undocumented students that are not available to out-of-state U.S. citizens. [Within hours](#) of the suit being filed, Texas sided with the DOJ, and a Texas district judge issued a [permanent injunction](#) striking down the policy.

Court Expands Scope of Federal RIF Injunction

On June 13th, a California district judge [ruled](#) that the State Department's planned mass layoffs, part of a broader reorganization effort, are prohibited under an existing injunction. The decision came in a [lawsuit](#) brought by labor unions, nonprofits, and local governments challenging the constitutionality of large-scale federal workforce reductions. The court temporarily halted the RIF plan while the challenge proceeds.

Recent Executive Actions Impacting Education

Stripping Civil Rights Protections via Direct Final Rulemaking

In mid-May, the Department of Energy (DOE) quietly proposed a set of regulatory changes via direct final rulemaking (DFR) that would roll back civil rights protections. The proposals include [eliminating a Title IX regulation](#) that allows students to join the opposite sex's non-contact sports team if they do not have one at their school that aligns with their gender identity. Another rule would [rescind Title VI protections](#) against policies that have a "disparate impact" on the basis of race, sex, or other protected characteristics. A third would [remove accessibility standards](#) for new construction under Section 504 of the Rehabilitation Act. These changes are set to take effect on July 15th, though stakeholders' comments in opposition (which NEA joined in submitting) may prevent that from happening.



Legally Speaking

Although DOE rarely proposes education-related regulations, federal agencies that distribute funds to educational institutions do have the authority to issue rules affecting those recipients ([at least 300](#) receive DOE funding). However, DOE's attempt to use DFR to make these changes may be subject to legal challenges. A DFR is typically reserved for minor edits (such as correcting numerical references) and allows agencies to fast-track rules with only a short comment window, during which the rule becomes final unless "significant adverse comments" are submitted. The Trump Administration appears to be using the DFR to make sweeping changes to civil rights protections, whereas the Administrative Procedure Act directs the government to go through the formal notice-and-comment rulemaking process for substantive rules.

Ordering New York State to Reverse Ban on Indigenous School Mascots

On June 17th, ED announced that it is referring to the DOJ its Title VI investigation into the New York State Education Department and Board of Regents for banning school districts from using Native American mascots, logos, and team names. New York rejected ED's [proposed resolution agreement](#) to repeal the ban and issue a letter of apology to local tribes by June 9th. DOJ could take enforcement action.



Legally Speaking...

Title VI precedent does not support the conclusion that it is unlawful to prohibit the use of images/names that reflect racial stereotypes linked to histories of race-based discrimination and oppression. After four New York school districts sued the state over the ban last March, a federal judge [dismissed the case](#), finding that the districts lacked standing to assert First Amendment claims and failed to present sufficient evidence.