

JUNE 26, 2025



NEA WEEKLY LEGAL RUNDOWN

From the Office of the General Counsel

Litigation Updates

Judge Orders ED's Office for Civil Rights to Reinstate Laid-Off Employees

On June 18th, a Massachusetts district judge granted a [preliminary injunction](#) preventing the Department of Education (ED) from implementing the [mass reduction in force announced on March 11th](#) as to employees in the Office for Civil Rights (OCR). The court found that the RIF as applied to OCR was likely ultra vires, meaning that ED lacked legal authority to direct it, and probably violated the Administration Procedure Act as arbitrary and capricious and contrary to law. It therefore prevented ED from terminating OCR employees during the pendency of litigation and directed OCR to continue investigating all pending civil rights complaints. The ruling follows the same judge's previous order preliminarily enjoining the RIF as to the entire Department. The Department's request to stay that order is currently pending in the Supreme Court.

Judge Grants Preliminary Injunction Blocking Rescission of Harvard's SEVP Certification

On June 20th, a Massachusetts district judge issued a [preliminary injunction](#) prohibiting the Department of Homeland Security from stripping Harvard of its Student Exchange and Visitor Program (SEVP) certification while litigation is underway. The injunction does not address Trump's [executive proclamation](#) from earlier this month banning the State Department from issuing visas to international students and researchers attending Harvard (a temporary restriction on the ban expired on June 20th). The court has also not issued an injunction on the Trump Administration's second attempt to revoke Harvard's SEVP certification, which was scheduled to take effect on June 25th.

Judge Issues Preliminary Injunction Blocking Anti-Union Executive Order

On June 24th, a California district judge issued a [preliminary injunction](#) blocking the Trump Administration's efforts to end collective bargaining rights for over a million federal employees across 21 agencies. The court ruled that Trump's [March 27th EO](#) stripping collective bargaining rights will cause irreparable harm to federal employees and their labor unions and likely violates the First Amendment by retaliating against labor unions for their speech and activity in opposition to the Administration. The order stems from a [lawsuit](#) filed in April by six major federal employee unions, including the American Federation of Government Employees.

Judge Grants Preliminary Injunction Blocking Job Corps Shutdown

On June 25th, a New York district judge issued a [preliminary injunction](#) preventing the Trump Administration from shutting down the Department of Labor's private Job Corps centers, which provide career training, housing, and support to over 25,000 youth aged 16 to 24. The court found that the closures, which were set to begin within days, likely violate the Administrative Procedure Act and risk unlawfully evicting thousands of at-risk young people.

DOD and NSF Indirect Research Cost Caps Blocked in Two Separate Courts

On June 17th, a Massachusetts district judge granted a [temporary restraining order](#) blocking the Department of Defense (DOD) from enacting its proposed 15% cap on universities' indirect research cost rates. A hearing for the case is set for July 2nd. In a separate case, on June 20th, a Massachusetts district judge issued [final judgement](#) striking down a similar cap proposed by the National Science Foundation (NSF). The judge ruled that the cap is arbitrary and capricious and exceeds the agency's authority under federal law. Federal judges have also [permanently blocked](#) an indirect research cap at the National Institutes of Health (NIH) and [temporarily blocked](#) a cap at the Department of Energy.

State Coalition Sues Trump Administration Over Grant Terminations

On June 24th, a coalition of 21 state attorneys general filed a [lawsuit](#) contesting the Trump Administration's termination of billions of dollars in federal grants previously awarded to these states (including by the NSF and NIH). The lawsuit argues that the Administration's usage of the "agency priorities clause" in the regulations that generally apply to federal grants and contracts to terminate these awards, as the clause does not authorize federal agencies to terminate grants based on changes in agency political or policy preferences that occur after a grant is awarded.

DOJ Sues Kentucky Over In-State Tuition Policy for Undocumented Students

On June 17th, the Department of Justice (DOJ) filed a [lawsuit](#) challenging Kentucky's policy allowing undocumented students enrolled at public colleges and universities to pay in-state tuition. The suit claims 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. Earlier this month, a federal court issued a [permanent injunction](#) striking down Texas's similar policy as part of a settlement agreement between the federal government and the state. The Mexican American Legal Defense and Educational Fund filed a [motion to intervene](#), arguing that the speed at which the case was closed provided no opportunity for a hearing or for public input.

Recent Executive Actions Impacting Education

Implementing Heightened Social Media Screening for all Student Visa Applicants

On June 18th, the State Department [announced](#) that it will resume processing student and visiting scholar visa applications, but all applicants must undergo expanded social media screenings and make their profiles public (or else risk rejection). The State Department initially began rolling out this expanded social media vetting [last week](#) for Harvard University student visa applicants. Consular officers have been told to look for "any indications of hostility toward the citizens, culture, government, institutions, or founding principles of the United States" and have been instructed to prioritize applicants looking to enroll at colleges where international students make up less than 15% of the student body.



Legally Speaking

The first Trump Administration imposed heightened scrutiny of visa applicants, including social media screening, which continued during the Biden Administration. There have been a number of legal challenges to the government's attacks on student visa holders, including [challenges](#) to the termination of student visa holders' records and [challenges](#) to the government's ideological deportation policy. Any enhanced social media vetting that impacts visa holders currently in the U.S. or with ties to the U.S. could be subject to First Amendment challenges.

Ordering California to Reverse Gender-Inclusive Athlete Policies and Sex Ed Curriculum

On June 25th, the Department of Education (ED) [announced](#) that it has found the California Department of Education and the California Interscholastic Federation to be in violation of Title IX due to their trans-inclusive athletics policies. ED has directed state officials to rescind all trans-inclusive athletic policies, reassign awards won by transgender athletes to cisgender athletes, issue letters of apologies to the cisgender athletes who receive the reassigned awards, and require schools to certify annually that they do not allow transgender athletes to join sports teams that align with their gender identity. California has until July 5th to comply or risk referral to the U.S. Department of Justice and the loss of federal education funding. Five days earlier, the Department of Health and Human Services [ordered](#) the California Department of Public Health to remove all references to gender identity from the state's federally funded sex education curriculum by August 19th or risk losing more than \$12.3 million in federal grants.



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As NEA explained in this [guidance](#), existing legal precedent affirms that Title IX's protections extend to transgender students. Executive orders cannot change federal civil rights laws or overrule court decisions interpreting those laws. GLAD and ACLU-NH [have expanded an existing lawsuit](#) to challenge the Administration's other actions regarding transgender athletes as violating the Equal Protection Clause and Title IX.