

Key SCOTUS Decisions - June 2026

SCOTUS Upholds State Bans on Transgender Student Athletes

On June 30th, the U.S. Supreme Court upheld laws in Idaho and West Virginia that ban transgender girls and women from playing on girls' and women's sports teams in the consolidated cases of [West Virginia v. B.P.J.](#) and [Little v. Hecox](#). All nine Justices agreed that Title IX permits states to restrict participation based on sex assigned at birth. By a 5-4 vote, the Court rejected claims that the laws violate the 14th Amendment's Equal Protection Clause, reasoning that the bans are based on biological sex rather than transgender status and pass muster under the legal standard applicable to sex-based classifications because they are substantially related to states' interests in safety and competitive fairness. While the decision allows states to enact such bans, the Court emphasized that it did not decide whether schools may choose to allow transgender girls and women to participate on teams consistent with their gender identity. NEA filed an [amicus brief](#) supporting the student in *B.P.J.*

SCOTUS Narrowly Upholds Birthright Citizenship

On June 30th, the U.S. Supreme Court decided [Trump v. Barbara](#), one of several cases challenging Trump's [executive order](#) (EO) purporting to eliminate birthright citizenship for children born in the U.S. to parents on temporary visas or without legal status. The Court found the EO unlawful by a 6-3 vote, but split 5-4 on the question of the EO's constitutionality. A five-Justice majority held the EO unconstitutional, as its new definition of citizenship could not be reconciled with the guarantee of birthright citizenship embedded in the plain text of the 14th Amendment. Justice Kavanaugh, the sixth vote against the EO, found that the order violated a federal citizenship statute that he suggested Congress could revise, without addressing the constitutional question. All of the lower courts that have ruled on the EO found it blatantly unconstitutional. NEA joined an [amicus brief](#) along with 18 other labor organizations in support of birthright citizenship.

SCOTUS Allows President to Remove Most Independent Officers

On June 29th, the U.S. Supreme Court issued a 6-3 decision in [Trump v. Slaughter](#), upholding Trump's decision to fire Federal Trade Commissioner (FTC) Rebecca Slaughter without cause in early 2025 and overturning longstanding precedent protecting the independence of agencies led by officials who, by statute, are removable only for cause. The Court held that the Constitution does not permit Congress to restrict the President's removal authority over FTC commissioners because the agency exercises executive power, a decision that could affect other independent agencies, including the EEOC and FEC, and likely confirms a recent court of appeals [opinion](#) invalidating similar for-cause protections for members of the NLRB and MSPB. In a separate decision, [Trump v. Cook](#), the Court ruled 5-4 that statutory restrictions on the President's authority to remove members of the Federal Reserve are constitutional, and Federal Reserve Governor Lisa Cook can remain in office while litigation over her allegedly for-cause firing continues. However, the Court made it clear that its decision was limited to the Federal Reserve.

SCOTUS Upends More Campaign Finance Limits

On June 30th, the U.S. Supreme Court issued a 6-3 decision in [National Republican Senatorial Committee v. Federal Election Commission](#), ruling that longstanding limits on coordinated spending between political parties and candidates violate the First Amendment. The Court concluded the restrictions unnecessarily burden political speech and overruled its earlier decision in *Colorado II*, further expanding constitutional protections for campaign spending. The decision is likely to have an immediate impact on campaign spending ahead of the November 2026 midterms.

SCOTUS Says States Can Count Mail-In Ballots After Election Day

On June 29th, the U.S. Supreme Court issued a 5-4 decision in [Watson v. Republican National Committee](#), upholding a Mississippi law that allows mail-in ballots to be counted as long as they are postmarked by Election Day and arrive within five business days. Fourteen states and D.C. have policies providing grace periods for mail-in ballots, and another 15 states do so for military and overseas ballots only. Chief Justice Roberts and Justice Barrett joined the court's liberals in the majority. In her majority opinion, Justice Barrett wrote that, so long as voters cast their ballots on election day, federal election statutes did not set a deadline for when those ballots must arrive in order to be counted.

Litigation Updates

NEA Victory: Court Blocks ED Rule Narrowing Employer Eligibility for PSLF

On June 30th, a Massachusetts district court — granting summary judgment in a [challenge](#) by a coalition of plaintiffs including NEA — [vacated](#) the Department of Education's (ED) [final rule](#) narrowing employer eligibility for the Public Service Loan Forgiveness (PSLF) program. The decision prevented the rule from taking effect on July 1st and permanently blocks its implementation. The rule would have allowed ED to disqualify employers, including school districts and higher education institutions, based on a broad range of activities the Secretary of Education deemed to have a "substantial illegal purpose." This included providing gender-affirming care, maintaining DEI policies, supporting undocumented immigrants, and other activities targeted by the Trump Administration. The court held that the rule exceeded ED's statutory authority, was arbitrary and capricious, impermissibly vague, and violated the First Amendment.

NEA Victory: District Court Partially Blocks New Student Loan Cap Rule

On June 24th, in a [lawsuit](#) filed by NEA and a coalition of professional associations, a D.C. district court granted a [preliminary injunction](#) blocking ED's narrow definition of "professional degree" in its [rule](#) implementing new statutory caps on federal graduate student loans. The court found that the rule likely violates the Administrative Procedure Act (APA) because its definition of "professional degree" is contrary to law, and that plaintiffs would suffer irreparable harm should the rule go into effect. In response to the court order, ED published an [expanded list](#) of "professional" graduate degrees, which still excludes advanced degrees in teaching and education leadership. NEA continues to advocate for a broader definition of "professional" degree as the case continues.

District Judge Says Agencies Can't Terminate Grants Due to New Priorities

On July 17th, a Massachusetts district court issued [summary judgment](#) finding that federal regulations and the U.S. Constitution's Spending Clause do not authorize the Trump Administration to terminate grants based on new priorities identified after the award was made. While the decision does not directly apply to grants issued by ED, the regulation it interprets is the basis for many of ED's grant terminations. The lawsuit was brought by a coalition of 21 attorneys general and three governors.

District Judge Rejects Challenge to DOL Union Reporting Requirements

On July 2nd, a D.C. district court [denied](#) AFL-CIO's motion for preliminary injunction in its [lawsuit](#) challenging the Department of Labor's (DOL) [final rule](#) — which was issued based on a 2020 proposed rule without an opportunity for public comment — that significantly expands financial disclosure requirements for labor unions that currently file LM-2 reports. The plaintiffs sought an injunction to delay the rule's effective date until at least July 1, 2027. The court held that AFL-CIO failed to demonstrate that it faces irreparable harm, and that harm was unlikely to occur before the court decides the merits under an expedited summary judgment schedule.

MTA Sues to Restore \$200 Million in Withheld Education Research Funds

On June 30th, the Massachusetts Teachers Association (MTA), represented by attorneys including NEA's Office of General Counsel, and other plaintiffs filed a [lawsuit](#) challenging actions by ED and the Office of Management and Budget (OMB) that have prevented hundreds of millions of dollars appropriated by Congress for education research, statistics, and school-support programs from being spent as required by law. The impacted funds include nearly \$200 million Congress appropriated for ED's Institute of Education Sciences (IES) that will expire and return to the Treasury if not spent by September 30, 2026. The lawsuit argues that ED and OMB's interference with the funds violates the Constitution and federal law. It seeks a court order requiring OMB to release the funds and ED to spend them as directed by Congress.

DOJ Sues 4 More States Over In-State Tuition for Undocumented Students

Since the end of June, the Department of Justice (DOJ) has sued four more states ([Kansas](#), [Maryland](#), [Massachusetts](#), and [Rhode Island](#)) over laws allowing undocumented college students to pay in-state tuition rates. In Kansas, officials filed a [proposed joint consent decree](#) asking the court to permanently enjoin the law; the court has not yet ruled. Four other states ([Texas](#), [Oklahoma](#), [Kentucky](#), and [Nebraska](#)) have already agreed to end their in-state tuition policies through voluntary consent decrees. Kentucky's consent decree is currently on appeal, and NEA filed an amicus brief in support of maintaining Kentucky's in-state tuition program. DOJ's lawsuit against [Minnesota](#) was [dismissed](#) in March, and similar challenges remain pending in [California](#), [Illinois](#), [New Jersey](#), and [Virginia](#). The litigation over the Nebraska and Minnesota programs are currently on appeal.

Recent Executive Actions

Failing to Fulfill ED's Core Statutory Functions Due to RIFs

On June 22nd, ED's Office of the Inspector General (OIG) released a [report](#) finding that mass reductions-in-force (RIFs) between January and March 2025 eliminated several suboffices in 15 of 17 offices, including some that "appear to have been performing statutory functions or oversight and monitoring functions." Between January and March 2025, ED also delayed or discontinued [hundreds of competitive grants](#) in programs that Congress explicitly authorized, and terminated 129 contracts worth \$1.3 billion — some of which appear to have been statutorily required.



Legally Speaking...

The Department of Education Organization Act (DEOA) and other statutes like the Elementary and Secondary Education Act, Higher Education Act, and Individuals with Disabilities Education Act require ED to carry out certain mandatory functions, including administration of federal education grant programs. ED must ensure those obligations are fulfilled. NEA and a coalition of plaintiffs including the NAACP continue to challenge ED's mass RIF and mass grant and contract cancellations in litigation, arguing that these actions are unlawful because they prevent ED from completing its statutory duties.

Finalizing New College Accountability Metrics

On July 1st, ED issued its [final rule](#) establishing new accountability metrics that require programs at over 4,000 higher education institutions to show that graduates earn more than comparable degree holders (high school for undergraduate programs, bachelor's for graduate programs). Programs that fail to meet this requirement in two out of three years could lose access to federal student loans and, after three consecutive failures, Pell Grants. This could reduce financial aid access for educator preparation programs, where earnings are typically lower.



Legally Speaking...

ED received nearly 10,000 comments in response to its proposal to adopt this rule, including a [comment from NEA](#) explaining the ways in which the rule would undermine student protections against predatory institutions and disadvantage students in education degree programs. To the extent that the final rule does not address the concerns raised in the comments or the reliance interests of students who depended on the prior accountability system, it may be arbitrary and capricious, in violation of the APA.

Capping Student Visa Stays at Four Years

On July 17th, the Department of Homeland Security (DHS) published a [final rule](#) limiting F-1 and J-visa holders — which include international students, short-term educators, and researchers — from staying in the U.S. for longer than four years. The rule also requires F-1 and J-visa holders to seek extensions and undergo "regular assessments" by DHS to remain beyond the four-year cap. Previously, F-1 and J-visa holders were able to remain in the U.S. for the duration of their studies, a policy especially important for doctoral candidates whose programs often exceed four years. The rule is set to take effect on September 15, 2026.



Legally Speaking...

ED received nearly 22,000 comments in response to its proposal to adopt this rule. The Administration has some legal authority to define the length of nonimmigrants stay in the U.S., but to the extent that the final rule does not address the concerns raised in the comments, it may be arbitrary and capricious in violation of the APA.

Rescinding Title VI and Title VII Disparate Impact Protections

On July 23rd, ED published a [direct final rule](#) that rescinds its longstanding Title VI regulation prohibiting disparate impact discrimination. Eleven other agencies have also repealed their Title VI disparate impact protections without notice and comment, including the [Department of Labor](#), [Department of Justice](#), and the [Department of Homeland Security](#), among others. Similarly, on July 6th, the Equal Employment Opportunity Commission (EEOC) released a [final interpretive rule](#) that rescinds its longstanding Title VII guidance finding that systems and practices that improve employment opportunities for historically underrepresented groups are not disparate impact discrimination prohibited by the statute. The move reflects the Trump Administration's view that these practices are unlawful under federal civil rights laws and the Constitution.



Legally Speaking...

Title VI does not explicitly ban disparate impact discrimination, but virtually all federal agencies adopted rules decades ago under Title VI that do ban such discrimination. The Administration argues that Title VI does not reach disparate impact discrimination, making disparate impact bans unconstitutional. However, the Supreme Court has never ruled on the constitutionality of disparate impact and has recognized disparate impact theories under several civil rights laws, including Title VII, which expressly prohibits disparate impact discrimination. The Court has also held that Title VII permits certain voluntary affirmative action plans in limited circumstances.