

Litigation Updates

NEA Files Lawsuit Challenging ED Student Loan Restrictions

On May 21st, NEA and a coalition of professional associations filed a [lawsuit](#) challenging the Department of Education's (ED) [Reimagining and Improving Student Education \("RISE"\) Rule](#), which narrowly defined "professional" program for the purpose of implementing new statutory caps on federal graduate student loans. The lawsuit argues that the rule violates the Administrative Procedure Act (APA) by illegally limiting the kinds of postgraduate degrees that count as "professional" degrees and subjecting students in a range of programs to lower loan caps. A separate [lawsuit](#) challenging the rule was also filed by a coalition of 23 states on May 19th.

NEA Files Lawsuit Challenging NPD Grant Terminations

On June 3rd, NEA, the Lawyers' Committee for Rhode Island, and the Southern Poverty Law Center filed a [lawsuit](#) challenging ED's unlawful termination of 28 National Professional Development (NPD) Grants meant to improve educational instruction for English learners and expand the bilingual teacher workforce. ED abruptly pulled the grants in September 2025, citing "divisive ideology." The lawsuit argues that the terminations violated the First Amendment and the APA.

NEA Lawsuit Against Dismantling of ED Continues

On May 8th, a Maryland district judge [denied](#) the government's motion to dismiss NEA's lawsuit challenging the dismantling of ED. The court [held](#) that the plaintiff coalition (including NEA and the NAACP) plausibly alleged that the Trump Administration's actions to shutter ED, including a March 2025 mass reduction-in-force and the cancellation of billions in grant awards and contracts, violated the Constitution and the APA and harmed the plaintiffs' members. The decision, which noted that no statute gives the President the power to shut down the Department, means that the case will continue.

District Judge Will Not Restore Sensitive Locations Protections

On May 6th, a Minnesota district judge [denied](#) two Minnesota school districts' request to temporarily reinstate a longstanding Department of Homeland Security policy that prohibited immigration enforcement activity in sensitive locations such as schools, hospitals, and churches. The court found that the districts likely lacked standing to challenge the Trump Administration's 2025 [guidance](#) rescinding the sensitive locations policy. The ruling is not a final judgment in the case, which will continue. NEA's [motion for similar relief](#) in an Oregon case is still pending.

NEA Victory: Educator Matthew Hawn Wins Appeal

On May 26th, the Tennessee Court of Appeals [ruled in favor](#) of NEA member Matthew Hawn, a Tennessee educator who was dismissed in 2021 after playing a spoken-word poem about white privilege in his high school contemporary issues class. The Tennessee Education Association challenged the termination, with NEA supporting the case, including through an amicus brief on appeal. The court found that Hawn had not unreasonably denied students access to differing viewpoints and that termination was not warranted. We are hopeful that the appeals court ruling will bring to an end this long-running, unjustified effort to terminate a highly regarded teacher with sixteen years of exemplary service.

Recent Executive Actions

Politicizing Federal Grantmaking

On May 29th, the Office of Management and Budget (OMB) and other agencies (including ED) published a [proposed rule](#) that would significantly expand executive branch discretion to award, condition, suspend, and terminate federal funding. Among other provisions, the rule would require senior political appointees to ensure all grants are consistent with Administration priorities and the “national interest,” limit the role of peer review in selecting grant recipients, and allow agencies to terminate grants found to promote “racial preferences,” “gender ideology,” “illegal immigration,” or “anti-American values” with minimal process. Public comment on the proposal is open until July 13th.



Legally Speaking...

If finalized, the proposed rule would empower the executive branch to weaponize federal funding and penalize disfavored viewpoints. Courts have consistently held that viewpoint- and speaker-based restrictions on federal funding violate the First Amendment and are invalid under the APA. Further, as several courts have already found, Title VI precedent does not support the Administration’s claim that programs and policies promoting DEI are unlawful.

Withholding Nearly \$300 Million in Education Research Funding

The Trump Administration is currently [withholding](#) \$289 million appropriated by Congress to support federal education research and data collection, through ED’s Institute of Education Sciences (IES). If these funds are not used by September 30, 2026, they will expire and return to the Treasury.



Legally Speaking...

The Constitution and the Impoundment Control Act require the President to disburse and spend appropriations as enacted by Congress, except in very limited circumstances. The Administration therefore cannot refuse to release funds to agencies as directed by the FY 2026 appropriations act.

Expanding Reporting Requirements for Unions

On June 1st, the Department of Labor (DOL) published a [final rule](#) that significantly expands financial disclosure requirements for labor unions that file LM-2 reports without an opportunity for public comment. DOL previously published and collected comments on a proposed rule that would have made some of these changes to LM-2 reporting requirements in December 2020, at the tail end of the first Trump term, but the proposal was withdrawn by the Biden Administration without being finalized. Nonetheless, DOL claims that the 2020 notice-and-comment process carries over to its new final rule. The rule takes effect on July 1st and will apply to each LM-2 filing union at the start of its next fiscal year.



Legally Speaking...

DOL’s failure to seek comments on the final rule appears to violate the APA, which requires that, with limited exceptions, agencies must solicit and respond to public comments on proposed regulations. That DOL received comments on a similar but now withdrawn proposal in 2020 does not excuse it from following the notice-and-comment process now. The final rule also does not justify the new reporting burdens it imposes on unions and the very short window for unions to comply with the new reporting requirements.

Increasing Restrictions for Absentee Voting

On June 2nd, the U.S. Postal Service (USPS) published a [proposed rule](#) mandating that each state provide a list of eligible mail-in voters for USPS to approve before delivering ballots, as directed in a March 2026 [executive order](#) (EO). Public comment on the proposed rule is open until July 2nd.



Legally Speaking...

The President does not have authority under the Constitution to set rules for conducting federal elections. Three lawsuits challenging the March EO underlying USPS's proposed rule on this and other constitutional and statutory grounds are pending. In addition, the NAACP has asked a court to block the proposed rule under a 2020 settlement agreement in which USPS committed to the timely delivery of election mail, including mail ballots.