

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, ALEXANDRIA DIVISION

E.K. and S.K., minors, by and through their parent and next friend
Lindsey Keeley, et al. v. Department of Defense Education Activity, et
al.

E.K. v. Department of Defense Education Activity · No. No. 1:25-cv-637 (PTG/IDD) · Decided March 20, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia denies the Department of Defense Education Activity defendants’ motion to dismiss First Amendment claims brought by students at DoDEA schools. The court holds that the plaintiffs adequately established standing and ripeness and plausibly alleged that curricular changes and library-book removals were motivated by impermissible political considerations and were not reasonably related to legitimate pedagogical interests. The court relies in part on its prior preliminary-injunction opinion.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Alexandria Division
WRITING FOR THE COURT	Patricia Tolliver Giles
JURISDICTION	United States District Court for the Eastern District of Virginia, Alexandria Division
DECIDED	March 20, 2026
DOCKET	No. 1:25-cv-637 (PTG/IDD)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss First Amendment claims brought by students of military families. The court denied the motion to dismiss.
STANDARD OF REVIEW	For the Rule 12(b)(1) standing and ripeness challenge, the court considered whether plaintiffs established Article III standing and whether their claims were ripe, and could consider evidence outside the pleadings without converting the motion into one for summary judgment. For the Rule 12(b)(6) challenge, the court accepted well-pleaded factual allegations as true, drew reasonable inferences for

plaintiffs, and asked whether the complaint stated a facially plausible claim for relief.

PRECEDENTIAL VALUE

nonprecedential

TOPICS

first amendment

free speech

standing

motions to dismiss

civil procedure

PRACTICE AREAS

constitutional law

civil rights

military law

civil procedure

administrative law

QUESTIONS PRESENTED

1. Whether plaintiffs had Article III standing to challenge the removal of library books and changes to curricular materials.
2. Whether plaintiffs' First Amendment claims were ripe despite the absence of final agency decision-making.
3. Whether the complaint plausibly alleged that the curricular changes violated the First Amendment under the Hazelwood standard.
4. Whether the complaint plausibly alleged that the library-book removals violated the First Amendment because they were motivated by impermissible partisan or political considerations and were not justified by legitimate pedagogical interests.

HOLDINGS

1. Plaintiffs adequately established Article III standing at the motion-to-dismiss stage for both their book-removal and curricular-change claims.
2. Plaintiffs' claims were ripe because the challenged book removals and curricular changes had an operative effect notwithstanding the absence of final decision-making.
3. The complaint plausibly alleged a First Amendment violation based on DoDEA's curricular changes because the alleged restrictions were not reasonably related to legitimate pedagogical interests.
4. The complaint plausibly alleged a First Amendment violation based on DoDEA's removal of library books because the alleged removals could have been motivated by impermissible partisan or political considerations and were not justified by legitimate pedagogical interests.

KEY QUOTATIONS

“the Secretary of Defense and DoDEA administrators immediately deferred to the President’s directives absent any further pedagogical review or cited interest.” (Dkt. 58 at 39)

“A pedagogical priority or other motivation set directly by the President of the United States, in accordance with his political views and no further pedagogical inquiry from the educational system, is exactly the type of conduct deemed impermissible under the First Amendment.” (Dkt. 58 at 39-40)

FACTUAL BACKGROUND

Twelve students from military families attending five DoDEA schools challenged the removal of library books and changes to curricular materials. The challenged actions were allegedly implemented in response to presidential Executive Orders addressing politically divisive subjects, including critical race theory, diversity and equity, gender ideology, and related topics. The complaint alleged that the removals and curricular changes were undertaken without independent pedagogical review and were motivated by partisan or political considerations.

PROCEDURAL HISTORY

Plaintiffs filed suit challenging the removal of library books and changes to curricular materials at Department of Defense Education Activity schools. While the motion to dismiss was pending, the court granted preliminary injunctive relief in part and ordered restoration of the removed books and curricular materials at plaintiffs' five schools. The parties cross-appealed the preliminary-injunction decision to the Fourth Circuit, and those appeals remained pending when the court denied the motion to dismiss.

DISPOSITION

dismissed

CASES CITED

- Exxon Mobil Corp. v. Allapattah Services, Inc., 545 U.S. 546, 552 (2005)
- Lovern v. Edwards, 190 F.3d 648, 654 (4th Cir. 1999)
- Dreher v. Experian Information Solutions, Inc., 856 F.3d 337, 343 (4th Cir. 2017)
- Pye v. United States, 269 F.3d 459, 466 (4th Cir. 2001)
- White Tail Park, Inc. v. Stroube, 413 F.3d 451, 459 (4th Cir. 2005)
- Richmond, Fredericksburg & Potomac Railroad Co. v. United States, 945 F.2d 765, 768 (4th Cir. 1991)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Francis v. Giacomelli, 588 F.3d 186, 193 (4th Cir. 2009)
- E.I. du Pont de Nemours & Co. v. Kolon Industries, Inc., 637 F.3d 435, 440 (4th Cir. 2011)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Allen v. Wright, 468 U.S. 737, 750 (1984)
- Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992)
- Cooksey v. Futrell, 721 F.3d 226, 240 (4th Cir. 2013)
- Virginia Society for Human Life, Inc. v. Federal Election Commission, 263 F.3d 379, 389 (4th Cir. 2001)
- Secretary of State of Maryland v. Joseph H. Munson Co., Inc., 467 U.S. 947, 956 (1984)
- Action NC v. Strach, 216 F. Supp. 3d 597, 628 (M.D.N.C. 2016)
- Suri v. Trump, No. 25-1560, 2025 WL 1806692, at *9 (4th Cir. July 1, 2025)
- Elrod v. Burns, 427 U.S. 347, 373 (1976)

- Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)
- Boring v. Buncombe County Board of Education, 136 F.3d 364, 368 (4th Cir. 1998)
- Board of Education v. Pico, 457 U.S. 853, 870-71 (1982) (Blackmun, J., concurring)
- PEN American Center, Inc. v. Escambia County School Board, 711 F. Supp. 3d 1325, 1331 (N.D. Fla. 2024)
- ACLU of Florida, Inc. v. Miami-Dade County School Board, 557 F.3d 1177, 1202 (11th Cir. 2009)

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