

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

NATIONAL EDUCATION
ASSOCIATION, *et al.*,

Plaintiffs,

v.

DEPARTMENT OF EDUCATION, *et
al.*,

Defendants.

Case No. 1:25-cv-00091-LM

**JOINT MOTION TO DISMISS THE COMPLAINT WITHOUT PREJUDICE
SUBJECT TO THE TERMS OF THE PARTIES' STIPULATION**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Defendants U.S. Department of Education (“ED”); Linda McMahon, in her official capacity as Secretary of Education; and Craig Trainor, in his official capacity as former acting Assistant Secretary of the Office for Civil Rights (“OCR”), (“Defendants”); and Plaintiffs National Education Association; National Education Association–New Hampshire; Center for Black Educator Development; Dover School District; Hanover and Dresden School District; Oyster River Cooperative School District; and Somersworth School District (“Plaintiffs”) (collectively, the “Parties”) move the Court to dismiss Plaintiffs’ Complaint without prejudice subject to the terms of the below stipulation.

WHEREAS, Plaintiffs filed the operative Amended Complaint in this action on May 12, 2025 (ECF No. 79);

WHEREAS, Plaintiffs’ Amended Complaint alleges, *inter alia*, that Defendants’ Agency Actions, including (1) the Dear Colleague Letter issued on February 14, 2025; (2) the FAQ document issued on February 28, 2025, and amended on April 9, 2025; (3) the EndDEI Portal

launched on February 27, 2025; and (4) a certification demand issued on April 3, 2025, are contrary to law, arbitrary and capricious, in excess of statutory authority, without procedure required by law, and unconstitutional;

WHEREAS, on August 14, 2025, the U.S. District Court for the District of Maryland vacated the challenged Agency Actions in *American Federation of Teachers, et al. v. United States Department of Education, et al.*, No. 1:25-cv-00628, which decision has now become final with the January 21, 2026 filing of the joint stipulation to dismiss the appeal to the Fourth Circuit in Case No. 25-2228, and the court's subsequent dismissal of the appeal, Order, *American Federation of Teachers, et al. v. United States Department of Education, et al.*, No. 25-2228 (4th Cir. Jan. 22, 2026);

THEREFORE, the Parties do HEREBY STIPULATE AND AGREE as follows:

1. The challenged Agency Actions have been vacated and set aside by the final judgment entered in *American Federation of Teachers, et al. v. United States Department of Education, et al.*, No. 1:25-cv-00628 ("AFT"), and the vacatur and terms of the judgment in AFT apply to Plaintiffs;
2. The challenged Agency Actions will not be relied on in any way by Defendants including by way of seeking to enforce its substance through ED or DOJ civil rights enforcement procedures;
3. The certification demand issued on April 3, 2025 will not be reinstated in substance even if under a different name;
4. The challenged Agency Actions creates no obligation, responsibility, or condition on Plaintiffs in any manner;
5. ED retains the authority to enforce the statutory and regulatory provisions of Title VI

to ensure compliance regarding any policy or practice where alleged discrimination on the basis of race, color or national origin may be occurring.

6. As such, the Complaint shall be dismissed without prejudice;
7. All parties will bear their own fees and cost.

Accordingly, the Parties respectfully request that the Court dismiss the Complaint without prejudice subject to the terms of the above stipulation.

Dated: February 3, 2026 Respectfully submitted,

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*^Tappearing only on behalf of NEA,
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