

# FP'S SUMMER SCHOOL: WHAT EDUCATIONAL LEADERS NEED TO KNOW FOR THE 2027 SCHOOL YEAR

Insights  
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## FP's Summer School: What Educational Leaders Need to Know For The 2027 School Year

With graduations upcoming and students in the midst of final exams, leaders at education institutions know summer break is just around the corner. K-12 schools, colleges, and universities have spent this school year facing evolving policies on DEI, student athletes, and immigration, all while navigating major data breaches and new technology litigation concerns. To help you gear up for the 2026-2027 academic year, we've once again put together a summer reading list of all the major developments in the education space that happened this school year.

Our 2026 Summer Reading List is packed with more than 15 education-related insights on a wide range of topics and is **recommended for educational leaders in public, private, and independent K-12 schools, colleges, universities, and higher education institutions**, including:

- presidents, vice presidents; chancellors; provosts; and heads of schools;
- boards of trustees and board officers;
- assist heads of school, division heads and department chairs;
- general counsel and legal affairs departments;

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## Technology and Data Protection Challenges

### 1. [The Canvas Breach: What Educational Institutions Need to Know and How You Can Respond \(May 2026\)](#)

The public learned on May 7 that Instructure, the company that manages Canvas, suffered a massive data breach that could impact a huge swath of schools and students across the country. Canvas is the most widely employed ed-tech platform in the US, used by 41% of educational institutions and tens of millions of students.

- **School Level:** K-12 + Higher Ed
- **Subject Matter:** Data Protection, Cybersecurity, Sensitive Personal Information, School Community Communications, Data Breach

### 2. [5 Things Your School Needs to Know About the PowerSchool Naviance Wiretapping Settlement \(April 2026\)](#)

A popular digital ed-tech platform recently paid \$17.25M to settle a class action lawsuit filed by Chicago’s Board of Education that alleged it illegally tracked confidential student information through third-party analytics software – a practice commonly referred to as “digital wiretapping.” Although PowerSchool’s Naviance system is purported to be

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used by more than 13,000 public and private schools – representing a student population of approximately 10 million nationwide – many educators were surprised to learn of the February settlement, and some are just now hearing about it for the first time.

- **School Level:** K-12 + Higher Ed
- **Subject Matter:** Data Protection, Cybersecurity, Sensitive Personal Information, School Community Communications, Wiretapping Litigation

### **3. California Privacy Agency Hits Student Ticketing Company With \$1.1M Fine: 3 Lessons About Tracking Consumers (March 2026)**

In what state officials call their first decision to address privacy violations involving students and California schools, the California Privacy Protection Agency announced a \$1.1 million fine against PlayOn Sports for its consumer tracking practices. The February 27 statement from CalPrivacy alleges that PlayOn's digital platform, which allows students to purchase tickets to high school functions like sporting events, dances, and arts performances, required users to agree to tracking technologies without offering a sufficient way to opt out.

- **School Level:** K-12
- **Subject Matter:** Consumer Privacy Compliance, Data Protection, Cybersecurity, School Community Communications

### **4. Your School May Be Wiretapping: Here Are the Key Risks You May Be Overlooking (October 2025)**

Most schools are surprised to learn that by simply signing up for free analytics services to manage website traffic and data, they are allowing companies to collect and use information from anyone who visits the school's website. Lawsuits invoking old statutes originally designed to curb literal "wiretapping" have been filed against schools and other businesses alleging they are collecting and sharing information with third parties without obtaining the proper consent.

- **School Level:** K-12, Higher Ed

- **Subject Matter:** Wiretapping Litigation, Consumer Privacy Compliance, Website Tracking Technology

## **5. New Ruling on Social Media Tracking Reveals New Privacy Risks: What Your School Should Know About the Data It Collects (October 2025)**

Last year, a Michigan federal court gave the greenlight for a video privacy protection lawsuit to proceed against nonprofit Hillsdale College over its use of webpage trackers. The October 17 decision is one of the first cases to apply the Video Privacy Protection Act (VPPA) in the context of website tracking software. Allowing the lawsuit to advance opens the arena for similar privacy claims to be brought under federal law and exposes businesses – including schools and non-profits – to potential lawsuits nationwide.

- **School Level:** K-12, Higher Ed
- **Subject Matter:** Privacy Compliance, Consumer Privacy Compliance, Website Tracking Technology, Risk Mitigation

## **Immigration Enforcement + Federal Regulatory Changes**

### **1. 2026 Updated FAQs and Immigration Enforcement Guidance For K-12 Schools (February 2026)**

Increased immigration enforcement in Minnesota, Maine, and beyond is raising concerns for K-12 private and independent schools. In order to safeguard students and staff while ensuring legal compliance, you should proactively prepare for potential interactions with immigration authorities on and around your campus. You might also be wondering about student and employee involvement in protests and advocacy efforts.

- **School Level:** K-12
- **Subject Matter:** Immigration, Emergency Planning, International Students, Sensitive Location Protections, I-9 Audits, SEVP Compliance

### **2. Are You Screening for Sanctions Compliance? 4 Steps Businesses and Schools Can Take to Reduce an Often-Overlooked Risk (March 2026)**

Are you prepared if Office of Foreign Assets Control comes knocking at your door? The US Treasury Department appears to be cracking down on private schools and other

entities that unintentionally conduct business with sanctioned foreign nationals. Many K-12 schools and higher ed institutions are unaware that sanctions apply to them, creating an expensive risk for any entity working with or even interacting with foreign nationals.

- **School Level:** K-12 + Higher Ed
- **Subject Matter:** Risk Mitigation, Tuition Agreements, International Students, Donors and Sponsors

### **3. Trump Administration Takes Steps to Dismantle Department of Education: What Higher Education Institutions Should Expect (November 2025)**

The Trump Administration announced plans to shift administration of education programs from the Department of Education (DoED) to other federal departments – and eventually close DoED for good. As part of the partnership, DOL will administer specific postsecondary education programs, including grant programs, under the Higher Education Act of 1965, and connect those programs with current DOL workforce development programs.

- **School Level:** Higher Ed
- **Subject Matter:** Federal Grant Funding, Job Training, Post-Secondary Education, Apprenticeships

## **Diversity Equity and Inclusion + Civil Rights**

### **1. Texas Attorney General Takes Aim at DEI With New Opinion Letter: 6 Steps For K-12 Private Schools To Consider (January 2026)**

Texas's Attorney General issued a sweeping 74-page Opinion that called into question the legality of many Diversity, Equity, and Inclusion (DEI) initiatives across the state in both public and private sectors, including K-12 private schools. The hotly debated Opinion attempts to dismantle DEI under a number state and federal non-discrimination laws applicable to private schools in both employment and enrollment contexts.

- **School Level:** K-12
- **Subject Matter:** DEI, State and Federal Funding, Title VII, Section 1981, Texas Commission on Human Rights Act

## **2. Department of Education Drops Defense of Anti-DEI Guidance for Colleges: 3 Things Higher Ed Institutions Should Do (February 2026)**

The US Department of Education recently abandoned its legal defense of controversial guidance that sought to ban DEI programs at colleges and universities nationwide. While the Department (DoE) has not released a public comment, this action appears to mark a retreat from the Administration's overall attempt to deprioritize DEI initiatives in higher education, which at its peak included threats to withdraw federal funding.

- **School Level:** Higher Ed
- **Subject Matter:** DEI, Title VI, Title IX, Civil Compliance Investigations, Federal Funding

## **3. Do You Receive Federal Grants or Financial Aid? Prepare for Changes to DEI and Immigration Requirements (March 2026)**

The federal government recently announced it was weighing changes to the legal attestations it requires applicants to sign on the System for Award Management (SAM). The new declarations on DEI, illegal immigration, and domestic terrorism largely echo already applicable law, but signal areas of potential increased oversight.

- **School Level:** K-12 + Higher Ed Recipients of Federal Financial Assistance
- **Subject Matter:** DEI, Federal Funding, Immigration

## **4. Officials at Public Schools Could Face Individual Liability for Illegal Policies: Takeaways + Action Steps for Your School (March 2026)**

Public school officials and their employees who enforce a clearly unconstitutional policy may pay for it personally. The US Court of Appeals for the 10th Circuit ruled earlier this year that school employees, including administrators, teachers, and board members, can be held personally liable for implementing and enforcing "obviously unconstitutional" policies or practices. That includes liability for personally engaging in specific acts of First Amendment retaliation against individuals who challenge the applicable policies.

- **School Level:** K-12 (Public Schools Only)

- **Subject Matter:** Risk Mitigation, First Amendment

## **Student Athlete Rights + Pay**

### **1. US Department of Education Announces 18 Title IX Investigations Related to Transgender Athletes – What Should Your School Do? (January 2026)**

The US Department of Education launched a series of Title IX investigations into 18 different colleges and universities, state departments of education, and local public school systems that have policies allowing transgender athletes to compete on sports teams that align with their gender identity.

- **School Level:** K-12 + Higher Ed Recipients of Federal Financial Assistance
- **Subject Matter:** Student Athletes, Title IX, Gender Identity, Transgender Students, DOE and DOJ Investigations, Federal Funding

### **2. NCAA Eligibility Updates: What Athletic Departments Must Know About Recent Gains in Court and New “Five-for-Five” Proposal (May 2026)**

Two recent federal appeals court rulings upheld key aspects of the association’s five-year eligibility framework and curtailed lower court injunctions that threatened to undermine the NCAA’s ability to enforce uniform rules. These recent developments reinforce the NCAA’s authority to govern when, how, and for how long student-athletes may compete. At the same time, however, the NCAA is considering significant reforms to its longstanding Division I eligibility model, meaning athletic departments should be prepared for more change.

- **School Level:** Higher Ed
- **Subject Matter:** NCAA, Eligibility, College Athletes

### **3. FTC Launches Probe Into College Athlete Agents as Transfer Portal Chaos Grows – What Schools Should Do Now (January 2026)**

In January, the Federal Trade Commission (FTC) announced that it is launching an inquiry into the agents of college athletes, aiming to kick off a consumer-protection crackdown to prevent student-athlete exploitation during the

increasingly unregulated transfer portal process. The inquiry doesn't focus on NCAA eligibility or recruiting violations but instead zeroes in on whether athlete agents are complying with federal disclosure and fairness requirements, among other things.

- **School Level:** Higher Ed
- **Subject Matter:** College Athletes, NCAA, FTC, Risk Mitigation

#### **4. Your International Student-Athletes Want NIL Deals: Here's What Schools and Sponsors Need to Know First (April 2026)**

The rules surrounding name, image, and likeness (NIL) payments are markedly different for international student-athletes than they are for their domestic counterparts. Higher ed institutions and companies eyeing athletes for sponsorship deals need to understand the important nuances. Federal immigration law creates serious obstacles related to NIL income that can jeopardize a student's visa status, trigger deportation proceedings, and create lasting barriers to future US visas.

- **School Level:** Higher Ed
- **Subject Matter:** NIL Payments, College Athletes, Athletic Financial Assistance, NCAA, Immigration, Student Visas, Risk Mitigation

#### **5. 3 Steps Your Athletic Department Can Take After White House Releases Second College Sports Executive Order (April 2026)**

An April Executive Order seeks to mandate new eligibility, transfer, and athlete agent regulations for college athletics by August 1 – and should cause your athletic department to consider preparations. The much-anticipated “Urgent National Action to Save College Sports” Order, released just weeks after a White House roundtable on the subject, marks the president's second Executive Order on college athletics in the last year.

- **School Level:** Higher Ed
- **Subject Matter:** Student-Athletes, NIL Compensation, Eligibility and Transfers, House v. NCAA, Federal Funding

## **6. Federal Lawmakers to Consider Bill to Reshape College Athletics, From NIL to Media Rights (October 2025)**

Senate Democrats offered up legislation to bring federal oversight to college athletics' increasingly chaotic NIL landscape. The bill, known as the Student Athlete Fairness and Enforcement (SAFE) Act, responds to concerns about rising costs, potential effects on non-revenue sports funding, and the need for clearer regulatory guidelines for student-athletes.

- **School Level:** Higher Ed
- **Subject Matter:** Student-Athletes, NIL Compensation, Non-Revenue Sports, House v. NCAA

## **7. College Athletes Release Model CBA Framework – What Could This Mean For Universities? (December 2025)**

College athletics reached another inflection point in December with the release of Athletes.org's first-ever draft Collective Bargaining Agreement (CBA) framework. While far from a final agreement, it's the most detailed blueprint yet for what some players want a collectively bargained future to look like across NCAA Division I athletics.

- **School Level:** Higher Ed
- **Subject Matter:** Student-Athletes, Labor Law, NLRB, Employee Status, Unfair Labor Practice Charges, Protected Concerted Activity, Administrative Decisions

## **Crisis Response**

### **1. Don't Get Caught Without Your Homework: 5-Step Crisis Communications Prep Plan for Educational Institutions (May 2026)**

When it comes to messaging during a crisis, educational institutions must get it right – every time. Not only do you have a broad range of stakeholders (students, parents, faculty, boards, and sometimes public officials) that might have differing priorities, but the scrutiny on you is heightened because you are often dealing with children. Summer is a great time to examine your school's crisis communications policies and procedures and prepare for next school year.

- **School Level:** K-12 + Higher Ed

- **Subject Matter:** Crisis Communications, Risk Mitigation

## **Conclusion**

We hope this helps you get caught up on all the latest developments impacting your school's operations. As always, we will continue to monitor these areas of the law, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, the authors of this Insight, or [any member of our Education team](#).