No. 25A____

In the Supreme Court of the United States

SPRINGFIELD R-12 SCHOOL DISTRICT; BOARD OF EDUCATION, OF THE SPRINGFIELD R-12 SCHOOL DISTRICT; GRENITA LATHAN; YVANIA GARCIA-PUSATERI; AND LAWRENCE ANDERSON,

Applicants,

v.

BROOKE HENDERSON AND JENNIFER LUMLEY.

APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI

To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Eighth Circuit:

1. Pursuant to Supreme Court Rule 13.5, Applicants respectfully request a 60-day extension of time, to and including July 30, 2026, within which to file a petition for a writ of certiorari. The United States District Court for the Western District of Missouri, Southern Division, granted summary judgment in favor of Applicants on January 12, 2023. A copy of that order is attached as Exhibit A. The U.S. Court of Appeals for the Eighth Circuit affirmed, in an opinion issued September 13, 2024. A copy of that opinion is attached as Exhibit B. The Eighth Circuit sitting en banc, by a vote of 6-5, vacated the panel opinion, and issued a substitute opinion reversing the district court's grant of summary judgment to Applicants on December 30, 2025. A copy of that opinion is attached as Exhibit C. The

Eighth Circuit denied Applicants' timely petition for rehearing en banc on March 2, 2026. A copy of the order is attached as Exhibit D. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1).

2. Absent an extension, a petition for a writ of certiorari would be due on June 1, 2026. This application is being filed more than ten days in advance of that date, and no prior application has been made in this case.

3. This case raises an exceptionally important First Amendment question: whether a public employer compels or chills employee speech by requiring employees to attend mandatory workplace training and complete related training exercises. The decision below treats ordinary features of workplace training—mandatory attendance, participation rules, discussion prompts, knowledge checks with credited answers, and completion requirements—as First Amendment injuries whenever employees object to the training's content or are not permitted to dissent during the training itself.

4. In 2020, two employees of the School District of Springfield R-12 were required to attend a program entitled "Fall District-Wide Equity Training." *Henderson v. Springfield R-12 Sch. Dist.*, 163 F.4th 478, 484 (8th Cir. 2025) (en banc). The employees then sued the school district, claiming the training both "demanded affirmation of the school district's views of equity" and chilled their speech, thereby violating their First Amendment rights. *Id.* The district court and the Eighth Circuit panel dismissed the employees' claims, but a majority of the en banc Eighth Circuit agreed with them, splitting 6-5 to hold that ordinary features of the training—including required attendance, participation rules, and exercises requiring credited responses—inflicted First Amendment injuries. *Id.* at 492.

5. This case raises questions of exceptional nationwide importance. Public employers routinely require employees to attend workplace trainings, comply with participation rules, answer prompts, complete knowledge checks, select credited responses, and obtain completion credit. Those are the ordinary tools by which employers train employees on workplace policies, legal obligations, and professional expectations. And because mandatory trainings are employer-directed instructional exercises—not open forums for debate—employers often must limit what employees may say during the training to keep the exercise on track and convey the employer's message. The decision below converts those routine training practices into First Amendment injuries whenever employees object to the content of the training or wish to dissent during the training itself. That rule creates immediate and substantial uncertainty for public schools and other public employers throughout the Eighth Circuit. And because the decision embraces a far-reaching First Amendment theory for challenging ordinary workplace trainings, it sows uncertainty nationwide—inviting similar claims in other jurisdictions and leaving public employers to consider whether lawyers must preclear the basic architecture of workplace seminars.

6. As Chief Judge Colloton explained in dissent, joined by Judges Loken, Smith, Shepherd, and Kelly, "[t]he majority's conclusion portends a host of litigation over public employee training." *Id.* at 499 (Colloton, C.J., dissenting). "Public employee training will now be fraught with uncertainty. An employer who trains on any subject from any point of view, while requiring employees to be professional, is subject to a federal lawsuit by an

employee who disagrees with the training and keeps quiet. Only time will tell how the court elects to manage this new font of litigation." *Id.*

7. Applicants respectfully request an extension of time to file a petition for a writ of certiorari. Applicants retained Supreme Court counsel after the en banc Eighth Circuit issued its decision. The requested extension is warranted to allow counsel to examine the factual record, the opinions below, and the substantial First Amendment questions presented. Counsel also have competing deadlines in matters before this Court and other federal courts. A 60-day extension would provide adequate time to prepare a petition that fully addresses the important issues presented.

Wherefore, Applicants respectfully request that the time to file a petition for a writ of certiorari be extended to and including July 30, 2026.

Dated: May 14, 2026

Respectfully submitted,

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