



Court Report

Education Law News You Can Use

Ninth Circuit Rules That Revocation of Christian Sports Ministry's Local Chapter Status As Student Club Likely Violated Free Exercise Clause

"This case pits two competing values that we cherish as a nation: the principle of non-discrimination on the one hand, and the First Amendment's protection of free exercise of religion and free speech on the other hand," the Court said. The student group "requires students serving in leadership roles to abide by a Statement of Faith, which includes the belief that sexual relations should be limited within the context of a marriage between a man and a woman." Claiming that FCA's religious pledge requirement violates the School District's non-discrimination policy, the School District cancelled the club's status. "While this clash of values may pose a difficult policy choice, the Court rule, "the legal outcome is much more straightforward based on the record before us." The Court held, "Under the First Amendment, our government must be scrupulously neutral when it comes to religion: It cannot treat religious groups worse than comparable secular ones. But the School District did just that."

Kentucky School District Sued After Student Killed in Bus Stop Shooting

Claiming that the Jefferson County Public Schools was negligent in protecting students, the mother of a 16-year-old student who was killed in a shooting at a bus stop filed suit claiming that the school district did not do enough to protect her son when the school district knew of the threats to shoot him at the bus stop, informed the parents of the threat, but allegedly informed no one else or failed to institute other safety measures.

Special Education Student Sexually Assaulted by Classmates Awarded \$26 million by Los Angeles Jury

An eleven year old female student and her family filed suit and alleged she was left unsupervised by classmates and assaulted, causing additional mental and physical harm and leading to her institutionalizing. The academy where the assault allegedly took place was partially-funded by the school district. The jury awarded her \$12.5 million for pain and suffering and \$13.5 million for future pain and suffering.

Bus Driver Shortages Felt by Many School Districts

Shortages are leading to delays in students attending classes, and there is no sign of the shortage abating. Districts in [Ohio](#), [California](#), and [86% of school districts around the country](#).

Teacher Gets \$95,000 to Settle Lawsuit Over Refusal to Use Student's Preferred Name

A Kansas teacher who argued she had a religious belief that prevented her from calling transgender or nonbinary students by their preferred names and pronouns reached a \$95,000 settlement with school district officials, according to a release from the teacher's attorneys.

Maryland Court Rules Student Backpack Abandoned When Student Fled Can Be Searched Without Warrant

After a school resource officer broke up a fight in which Petitioner was involved, Petitioner's backpack dropped from his body to the ground. Petitioner reached for the backpack, but the officer picked up the backpack before Petitioner could do so. Without a further word, Petitioner fled the scene. The Court of Appeals held that, in these circumstances, Petitioner relinquished his reasonable expectation of privacy in his backpack and

therefore abandoned it for purposes of the Fourth Amendment. Thus, the officer was permitted to search the backpack without a warrant.

Federal Court Rules For School District in Claims Under Title VI, First Amendment, and Fourteenth Amendment For Offensive and Insensitive Quiz

On February 1, 2021, the first day of Black History Month, three sixth-grade social studies teachers at a Sun Prairie middle school distributed electronic learning materials about ancient Mesopotamia. A quiz at the end of the materials asked students to assume the position of a judge and apply the Code of Hammurabi to several factual scenarios, one of which asked the students to decide how to punish a defiant slave. The assignment triggered a storm of outrage in the school community and among the general public. The Sun Prairie Area School District apologized, commissioned an investigation, and suspended the teachers, who ultimately resigned. Parents failed to produce evidence of how the student's education suffered.

School Gun Case Sparks Debate Over Safety and Second Chances

Keyon Robinson was just a month away from graduating from high school when he took a loaded gun, placed it in his backpack and headed to campus. He'd fought with a relative that morning. He was angry, and scared someone would come after him. The firearm, a Glock-style ghost gun with no serial number that he'd bought via social media, was his security blanket.

Pending U.S. Supreme Court Petitions to Watch:

- **State Health Plan for Teachers and State Employees v. Lake**: Whether a state legislature's express reservation of the right to amend a statute providing benefits to government employees bars a claim under the Constitution's contracts clause based on the legislature's later decision to amend those benefits.
- **Central Specialties v. Large**: Whether, before proceeding to the qualified immunity analysis, courts must determine that a government official was acting within the scope of his authority.
- **Jones v. City of Detroit, Michigan**: Whether a public entity can be vicariously liable under a theory of respondeat superior for its employees' violations of Title II of the Americans with Disabilities Act or the Rehabilitation Act.
- **Fairfax County School Board v. Doe**: (1) Whether a recipient of federal funding may be liable in damages in a private action under Davis v. Monroe County Board of Education in cases alleging student-on-student sexual harassment when the recipient's response to such allegations did not itself cause any harassment actionable under Title IX; and (2) whether the requirement of "actual knowledge" in a private action under Davis is met when a funding recipient lacks a subjective belief that any harassment actionable under Title IX occurred.
- **Groff v. DeJoy**: (1) Whether the court should disapprove the more-than-de-minimis-cost test for refusing religious accommodations under Title VII of the Civil Rights Act of 1964 stated in Trans World Airlines, Inc. v. Hardison; and (2) whether an employer may demonstrate "undue hardship on the conduct of the employer's business" under Title VII merely by showing that the requested accommodation burdens the employee's coworkers rather than the business itself.
- **Counterman v. Colorado**: Whether, to establish that a statement is a "true threat" unprotected by the First Amendment, the government must show that the speaker subjectively knew or intended the threatening nature of the statement, or whether it is enough to show that an objective "reasonable person" would regard the statement as a threat of violence.

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