



Court Report

Education Law News You Can Use

[OCR Issues Fact Sheet on Diversity & Inclusion Activities Under Title VI](#)

The U.S. Department of Education's Office for Civil Rights issued guidance explicitly addressing whether diversity, equity and inclusion efforts, including training on racism or systemic racism or cultural competency training, might be construed to create a hostile work environment under Title VI.

[Florida Mother Sues School After Denied Volunteer Opportunity Because of Adult Website Participation](#)

A school district in Florida denied a mother's volunteer application after discovering that the mother participated on OnlyFans and the adult access section of Twitter. As a result, the mother filed a lawsuit claiming that this decision violates her First Amendment rights

[Pennsylvania School Corporation Sued for Not Allowing Opt-out of Social Emotional Classes](#)

A conservative legal organization filed suit on behalf of a student's parents after the parents requested that their child be able to opt out of social emotional classes due to religious objections. The complaint alleges that other students were granted religious exemption request made by other parents related to other classes.

[AP African American Studies Courses Under Scrutiny and Revamped](#)

After the official course draft was released by the College Board and faced backlash from anti-CRT groups and politicians, the College Board released an official curriculum for AP African American Studies that removed much of the controversial topics. Gone are mandatory Black Lives Matter sections, critical race theory, and scholars on the queer experience.

[Are High Teacher Vacancies the New Normal?](#)

National analysis of state-level vacancies suggest that the labor market for educators may not be improving as schools head into the important spring hiring season. Many states are still seeing historically high vacancy rates even as larger private sector employers lay off employees.

[Ninth Circuit Concludes that Four-month delay in assessing student for autism was not a procedural violation of the Individuals with Disabilities Education Act](#)

The Ninth Circuit (covering Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, & Washington) concluded that a school district's delay in assessing a student's autism did not violate the IDEA procedural requirements. However, the ruling was largely along procedural standing lines and did not address substantive requirements of the IDEA.

Pending U.S. Supreme Court Petitions to Watch:

- **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. **Petition granted.**

- **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. ***Petition granted.***
- **Bronwyn Randel, Petitioner v. Rabun County School District**: In a case involving 14th Amendment Due Process Clause claims regarding the non-renewal of a teacher, the question presented is: Does the existence of a state post-deprivation process preclude a procedural due process claim (a) only where a pre-deprivation process that satisfied constitutional standards would be impracticable, such as because the deprivation was a random or unauthorized act of an errant state official (the rule in ten circuits and under decisions of the highest courts in eight states), or (b) in any case in which, even though compliance with constitutional standards in a pre-deprivation process was practicable, the state post-deprivation process provides some form of remedy for the constitutional deficiency of the pre-deprivation process (the longstanding rule in the Eleventh Circuit, covering Alabama, Florida and Georgia)?
- **Stacey A. Kincaid, Sheriff, Fairfax County, Virginia, Petitioner v. Kesha T. Williams**: Whether the diagnosis of gender dysphoria, found in the DSM-5, is excluded from the ADA’s definition of disability under 42 U.S.C. § 12211(b).

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