



# Class Clippings

## Education Law News You Can Use

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### Education Freedom PAC v. Reid

Education Freedom PAC sought to place an initiative on the ballot that would amend the Nevada Constitution to require the Legislature to establish education freedom accounts for parents to use to pay for their child's education if their child is educated outside of the uniform system of common schools. The Nevada Supreme Court held that the initiative fell short of the three legal requirements. The injunction enjoining the circulation of the petition and placement of the initiative on the ballot.

### Archie v. Durham Pub. Sch. Bd. of Educ.

Court of Appeals affirms dismissal of suit filed by student injured while walking on school road. Student wearing headphones and listening to music was found to be contributorily negligent.

### C1.G. v. Siegfried

The Tenth Circuit overruled dismissal of a complaint filed by student who was disciplined for posting "Me and the boys bout [sic] to exterminate the Jews" and then posted follow up post that he was joking. Court found that school cannot stand in loco parentis and the Complaint alleges no reasonable forecast of substantial disruption or actual disruption, so the student properly alleged that discipline for off-campus speech is a First Amendment violation that cannot be dismissed at this stage but remanded for the district court to consider qualified immunity.

### Pennsylvania budget deal hikes school spending by \$850 million

Chalkbeat.org reports that "Pennsylvania's General Assembly has approved a \$45.8 billion budget that will increase spending on education by \$850 million, a historic school funding increase."

### JUUL e-cigarettes ban on hold, but FDA still not allowing sales

The U.S. Food and Drug Administration (FDA) issued marketing denial orders to JUUL Labs, Inc., which order JUUL to stop selling and marketing products. Subsequently, the FDA paused its order but still disallow JUUL to market or sell its products. The Court of Appeals for the D.C. Circuit also entered an administrative stay of the FDA order while consideration of the appeal was under way.

### **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.

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