



Class Clippings

Education Law News You Can Use

Indiana Schools Appeal Transgender Rulings to Seventh Circuit

As Indiana schools appeal, many *amicus* weigh in on important ruling addressing contours of Title IX and Equal Protection Clause as applied to transgender student accommodations.

Federal Judge Prohibits Enforcement of Title IX Guidance by U.S. Department of Education

The U.S. Department of Education is precluded by a federal district court judge in the Eastern District of Tennessee from enforcing its Title IX guidance in twenty states: TN, AL, AK, AZ, AR, GA, ID, IN, KS, KY, LA, MS, MO, MT, NE, OH, OK, SC, SD, and WV.

K.R. by and through Proctor v. Duluth Public Schools Academy

Black students filed suit against public charter school under Title VI of the Civil Rights Act, Minnesota Human Rights Act (MHRA), and § 1983, alleging that school disciplined black students more severely than white students, maintained a racially hostile environment, and had custom of deliberate indifference to racial harassment and discriminatory discipline. After the school moved for summary judgment, the court denied the motion finding factual issues. The court found that the evidence on discipline supported the claims that established a disparate treatment of black students.

Parents Sue School District Over Transgender-inclusive Policy

Parents sued a school district that implemented a transgender-inclusive policy for violations of the First and Fourteenth Amendments. In particular, the parents filed suit over provisions that excluded parents from knowledge of any meetings regarding a student's gender identity with the student or whether a gender support plan is implemented.

State Agency Downgrades Public Schools Accreditations under Anti-CRT Law

The Oklahoma State Board of Education downgraded Tulsa Public Schools (the state's largest public school) and demoted Mustang Public Schools for student exercises that ran afoul of the state's anti-CRT law.

Administrator Files Suit After Termination That Followed After Hours Speech

A principal, who spoke at a religious event off school grounds, filed suit alleging religious discrimination. After he complained to the school board of religious and gender discrimination, the school corporation's senior leaders filed an internal complaint against the principal alleging inappropriate response to race issues, derogatory comments against LGBTQ people and that he engaged in gender inequity, among other claims.

Biden Administration Address Mental Health In Schools

On July 29, the Biden-Harris Administration announced two new actions to strengthen school-based mental health services and address the youth mental health crisis. First, the Administration plans to award the first of nearly \$300 million that President Joe Biden secured through the FY2022 bipartisan omnibus agreement to expand access to mental health services in schools through the Mental Health Service Professional (MHSP) Demonstration Grant Program and the School-Based Mental Health (SBMH) Services Grant Program. These funding avenues can be used to expand mental health supports through fostering trauma-informed services in schools; expanding mental health services through full-service community schools; and responding to childhood trauma associated with community violence. Second, the Administration is encouraging Governors to invest more in school-based mental health services through several items, including improving conditions for student learning and expanding access to out-of-school programs.

Two Sides in Pennsylvania School Funding Trial Set to Face Off Again in Court

Post-trial briefs filed in Pennsylvania's landmark school funding case express sharply different views over the definition of a quality education, the state's role in providing it, and what equity means in the context of the state constitution.

Pennsbury School District Settles Free Speech Lawsuit

The impact of a lawsuit the Pennsbury School Board settled last week with four district residents over their right to comment at board meetings could reach far beyond Bucks County.

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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