



Court Report

Education Law News You Can Use

[10 Years After Sandy Hook, Increase in Guns at Schools](#)

Across the nation, schools are seeing increases in gun-related offenses. In Indiana, the Indiana School Resource Officer Association [spoke out about these issues](#). On the west coast, [Portland is seeing an increase as well](#). Philadelphia has also [experienced its share of gun violence](#).

[Uvalde School Shooting Survivors File \\$27 Billion Class Action Lawsuit Against Local Officials, as Mother Sues Gun Manufacturer over Daughter's Death](#)

Survivors of the shooting in Uvalde, Texas, at Robb Elementary School have filed a class-action lawsuit against the school district, the city's police department, the school district's police department, the principal and the school's police chief. The complaint alleges that the defendants' actions did not conform to the training they had collectively received in regards to active shooter protocols.

[Vermont to Allow Religious Schools to Use State Assistance After Settling Lawsuit](#)

After settling two lawsuits, and in the aftermath of the U.S. Supreme Court's June 2022 decision in *Carson v. Makin*, Vermont has agreed to fund religious schools through its school-choice program.

[ACLU Files Suit in Missouri Against School District for Book Ban](#)

A school district removed a book featuring a nonbinary character in accordance with board policy, and the ACLU filed suit on behalf of parents and their children. Under district policy, the book is removed if challenged by someone until a committee evaluates the book and the school board votes to reinstate the book. The ACLU alleges that the district's actions violated the First Amendment.

[Indiana School Board Faces Backlash Over Gender Support Plans for Gender Nonconforming Students](#)

A school board faced tough questions after more than two hours of contentious public meetings after an internal email referencing gender support plans was circulated. The internal communication suggested that school personnel should not inform parents of the decision to request gender or pronoun changes.

[Washington Student Files Title IX Lawsuit After Repeated Sexual Assault](#)

The lawsuit alleges that after facing multiple sexual assaults at school, the district dismissed her concerns, forced her into a room with her alleged abuser, and did not take appropriate action. The lawsuit comes after three assistant principals were criminally charged for failing to report the incident under mandatory child abuse reporting laws.

[U.S. Supreme Court to Review Biden Administration Loan Forgiveness Decisions](#)

Arguments on two challenges to the President's decision to forgive outstanding student loan debt are scheduled to be heard in February, 2023. A decision is not expected until at June, 2023.

Indiana Teacher Aide Fired for False Statements About Social-Emotional Learning Loses First Amendment Lawsuit

When a school district fired a teacher aide after she made statements on Facebook regarding a school program and social emotional learning, she filed suit for retaliation in violation of the First Amendment. On summary judgment, a federal district judge dismissed her lawsuit. Under *Pickering*, the truth or falsity of the speech may be the decisive factor, and it was. Since the evidence demonstrated that there was a good faith basis for administrators to believe that the comment was false, summary judgment for the school corporation was granted.

Second Circuit Tosses Connecticut Transgender Athlete Challenge

The 2nd Circuit Court of Appeals, covering Connecticut, New York and Vermont, affirmed a lower court's decision to toss a high-profile lawsuit that aims to bar transgender students from competing on women and girls' sports teams in Connecticut. The case could be the first in the nation to allow the Supreme Court to weigh in on transgender students' rights to play on teams that match their gender identity.

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.
- **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.
- **Cleveland County, North Carolina v. Conner**: (1) Whether the Fair Labor Standards Act allows an employee, who has been paid at least the required minimum wage and overtime pay at a rate that is at least one and one-half times her regular rate, to sue her employer for and recover unpaid straight-time wages earned in weeks when she worked overtime; and (2) whether *Skidmore v. Swift & Co.* allows courts to independently evaluate an agency's non-binding interpretation of a statute. ***Petition denied.***
- **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)?

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