



Court Report

Education Law News You Can Use

[Eleventh Circuit Issues Much-Awaited En Banc Decision Overruling Lower Courts in Transgender Accommodations Case](#)

Creating a circuit split with the Seventh Circuit's (covering Illinois, Indiana, and Wisconsin) 2017 Whitaker decision and the recent Second Circuit (covering Connecticut, New York, and Vermont) Soule transgender sports case, the Eleventh Circuit (covering Florida, Georgia, and Alabama) issued an en banc decision that reversed the panel decision and the district court decision and found that the school board's restroom access policy that distinguished based on biological sex did not violate the Equal Protection Clause of the U.S. Constitution or Title IX.

[Eight Most Consequential Developments in Education Law in 2022](#)

Ed Week lists the top 8 education law developments that occurred in 2022.

[Summer meals, funding for high-poverty schools: What the federal spending bill means for students](#)

The recently signed budget bill increased funding for schools in various ways. This includes funding increases for Title I, Pell grants, and special education.

[A Ninth Circuit Panel Affirms Dismissal of Students' First Amendment Claims Alleging Discipline for Private Off-Campus Social Media Posts](#)

Applying the U.S. Supreme Court decision *Mahoney*, the Ninth Circuit concluded that the social media posts containing racist images and messages bore a sufficient nexus to the high school, and the posts were not insulated from discipline. Even though the social media account was private, the subjective intent was not controlling as screenshots of the post that were circulated created a foreseeable outcome that the messages would make their way to their intended targets.

[Is the Federal Government Considering a National Minimum Teacher Salary Requirement?](#)

A bill introduced by a Florida congresswoman sets a national minimum salary of \$60,000 by way of federal grant programs. While it is unlikely for congress to pass such a requirement, it is unclear if the Biden administration would implement the requirement through notice-and-comment rules under the U.S. Department of Education's authority.

[Ohio Teacher Files Suit After Objecting on Religious Grounds to Using New Pronouns for Transgender Students](#)

Teacher was allegedly told she must put aside her beliefs as a public servant or else she would be engaging in insubordination if she did not use pronouns that aligned with students' new gender identities instead of their legal names. When she did not agree with the policy, the complaint alleges she was told to resign, and she then submitted a resignation letter.

Georgia Employees File Suit Under Title VII and Title IX Alleging Health Insurance Plans Discriminate by Excluding Coverage for Trans-inclusive Care

Complaint alleged that health insurance coverage discriminates and disparately treats transgender plan members less favorably. One plaintiff sought surgery after being diagnosed with gender dysphoria, but the request for coverage was denied based on a policy exclusion, the complaint alleges.

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.
- **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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