



Court Report

Education Law News You Can Use

[Fourth Circuit \(MD, VA, WV, NC and SC\) Strikes Down Law Criminalizing Student Behavior](#)

The U.S. Court of Appeals for the Fourth Circuit declared a South Carolina law that criminalized student behavior for “disturbing” schools as unconstitutionally vague.

[House Republicans Introduce Parents’ Rights Legislation](#)

Speaker of the U.S. House of Representatives, Kevin McCarthy, [introduced legislation](#) that affords parents rights under federal law to (1) “know what’s being taught in schools and to see reading material,” (2) “to be heard,” (3) “to see school budget and spending,” (4) “to protect their child’s privacy,” and (5) “to be updated on any violent activity at school.”

[U.S. Supreme Court Hears Argument on Student Loan Relief Case](#)

On Tuesday, the Supreme Court held oral argument in the cases challenging President Biden’s loan forgiveness administrative action. The argument reflected serious doubts among the conservative justices that make up a majority of the Court.

[Second Circuit \(NY, VT, and CT\) to Review *En Banc* Challenge to Connecticut’s Rules that Permit Transgender Females to Participate in Female Sports](#)

Setting argument for June 6, 2023, the U.S. Court of Appeals for the Second Circuit will review *en banc* the panel decision in the challenge by cisgender/nontransgender females to Connecticut’s state rule that allows transgender females to participate in sports in Connecticut. The panel’s December 2022 [ruling](#) had dismissed the challenge by holding that the plaintiffs lacked standing.

[Missouri Debates Ban on LGBTQ Education for All Grades](#)

Following several other states, Missouri’s state legislature considers a bill that regulates discussion of LGBTQ issues within public schools in Missouri.

[Indiana’s Legislature Moves Forward Bill Regulating Library Books in Schools](#)

The proposed legislation prohibits inappropriate materials in school libraries and provides a parent complaint process. The bill also criminalizes violations, affording local prosecutors authority to charge librarians for noncompliance.

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)? **Petition denied.**
- **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).
- **City of Ocala, Florida v. Rojas:** Whether psychic or emotional offense allegedly caused by observation of religious messages is an injury sufficient to confer standing under Article III of the Constitution, including where the offended party deliberately seeks out the exposure in question.

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