



Court Report

Education Law News You Can Use

Fourth Circuit (MD, NC, SC, VA, WV) Lets Parents Challenge School Bias Reporting Program

A Virginia school district implemented a Student Equity Ambassador Program in response to an audit that students of color faced racial discrimination. The program, designed to combat systemic racism, seeks in part to document incidents of perceived bias through an anonymous reporting form, which would later be discussed at ambassador meetings. Certain district parents brought First Amendment claims, and the United States Court of Appeals for the Fourth Circuit concluded that the parents plausibly alleged that the program has a danger of chilling free speech and protected activity.

Eighth Circuit (AR, IA, MN, MO, NE, ND, SD) Rules that St. Louis Public and Charter Schools Must Share Tax Funds

A decades-long battle to desegregate the St. Louis public school system resulted in a 1999 settlement agreement where the St. Louis Public School District agreed to continue operating various intra-district desegregation programs (e.g., magnet schools) with funding to come in part from special sales tax revenue. In 2006, the Missouri Legislature changed the funding formula to route some of the tax revenue to charter schools. Although charter schools were not a party to the settlement agreement, the Eighth Circuit held that the charters schools are entitled to their per-pupil share of the tax revenue and they can spend the funds as they see fit—not necessarily on desegregation measures.

U.S. Supreme Court Hears Oral Argument on Religious Accommodations

The Supreme Court heard oral argument in *Groff v. DeJoy*, a case where an evangelical Christian declined to work as a postal carrier on Sundays in observance of the Sabbath. As Title VII of the Civil Rights Act generally prohibits discrimination against employees based on their religion, the case presents the question of the standard for how far an employer must go to accommodate the religious practices of its employees. The Court is expected to examine (and perhaps revisit) its 1977 decision of *Trans World Airlines v. Hardison*, where under similar facts it concluded that an employer need not accommodate the practice if the accommodation would result in an undue hardship, explained as including bearing more than a trivial cost.

Texas Senate Passes Bill Requiring Public Schools to Display Ten Commandments

The Texas Senate has passed SB 1515, which would require public elementary or secondary schools to “display in a conspicuous place in each classroom of the school a durable poster or framed copy of the Ten Commandments” that is at least 16” x 20” and of legible text to someone with average vision. As the bill moves to the Texas House, the bill’s sponsor explained that the U.S. Supreme Court’s 2022 decision in *Kennedy v. Bremerton School District* (involving the lawfulness of a public school employee’s postgame prayers) paved the way for the bill.

Michigan Middle Schoolers Sue School District for Banning “Let’s Go Brandon” Sweatshirts

When two Michigan middle school students wore sweatshirts bearing the slogan “Let’s Go Brandon,” the assistant principal ordered the students to remove the sweatshirts or face punishment, citing a dress code rule

prohibiting profane messaging. The slogan's origin stems from its use as a euphemism for a profane chant directed at President Biden. As the school stood by its interpretation of the dress code, the students sued, alleging a violation of their First Amendment rights to political expression.

Pending U.S. Supreme Court Petitions to Watch:

- [Lindke v. Freed](#) (linked with [O'Connor-Ratcliff v. Garnier](#)): Whether a public official's social media activity can constitute state action only if the official used the account to perform a governmental duty or under the authority of his or her office. (In O'Connor-Ratcliff specifically, two school board members blocked parents from their respective personal social media pages where they would sometimes discuss school matters with the public.) [Petition granted.](#)
- [The Ohio State University v. Snyder-Hill](#) (linked with [The Ohio State University v. Gonzales](#)): Whether, or to what extent, a claim under Title IX accrues after the date on which the alleged injury occurred (e.g., by a state statute of limitations for personal injury actions of two years, or by when the alleged victims learn of the abuse and the school's inaction).
- [West Virginia v. B.P.J.](#): Whether the Supreme Court should vacate the Fourth Circuit's injunction of West Virginia's Save Women's Sports Act, a law which, in effect, limits participation in girl-designated school-sponsored sports to individuals whose reproductive biology at birth is female. [Application to Vacate the Fourth Circuit's Injunction Denied.](#)
- [Kincaid v. Williams](#): Whether the diagnosis of gender dysphoria, found in the DSM-5, is excluded from the Americans with Disabilities Act's definition of disability under 42 U.S.C. § 12211(b).

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