



Court Report

Education Law News You Can Use

[Seventh Circuit \(IN, IL, WI\) Affirms that Parent Failed to Plausibly Allege Widespread Excessive Force Issue](#)

A female middle school student with disabilities attempted to use a school elevator, but was forcibly stopped by her special education teacher. Minutes after, the school resource officer responded, pinned the student to the floor and handcuffed her. From this instance and a couple of others (described in lesser detail), her parent sued the school district, alleging a practice of excessive force in punishing students with behavioral disabilities in violation of the student's Fourth Amendment rights. The United States Court of Appeals for the Seventh Circuit affirmed the district court's dismissal of the § 1983 claim, reasoning that the allegations, namely "two isolated incidents," failed to demonstrate a widespread pattern or practice of using excessive force as punishment.

[Fifth Circuit \(LA, MS, TX\) Rejects State-Created Danger Doctrine in Student-on-Student Sexual Assault Case](#)

Although state actors generally do not have a duty to protect a private citizen from the acts of another private citizen under § 1983, ten other federal circuits have adopted the state-created danger doctrine exception, which provides a basis for liability if the state actor creates the danger that results in the injury. The United States Court of Appeals for the Fifth Circuit declined to join the group in adopting the exception, even as applied to a case with "unquestionably horrific facts." In the case, a female middle school student with disabilities was sexually assaulted on two separate occasions by the same male student who had a history of violent behavior and sexual misconduct known to school staff. Both instances were a result of school staff letting the two students go unsupervised in the hallways, despite provisions in both students' IEPs for escorts and supervision at all times. The school officials were entitled to qualified immunity, as the state-created danger doctrine was not clearly established law in the Fifth Circuit. Despite rejecting the exception for constitutional liability, the court noted that Title IX may provide a remedy.

[Tennessee High School Students Sues after Suspension for Posting Off-Campus Meme Lampooning Principal](#)

While off-campus and outside of school hours, a Tennessee high school student posted three Instagram memes depicting his school principal in cartoonish fashion, intending to mock the principal's reportedly austere demeanor. School administrators suspended the student for three days out of school, citing a policy prohibiting social media posts that embarrass or humiliate school staff. The student, [supported by a nonprofit organization for free speech](#), sued the school district and administrators in federal court for the suspension. The suit claims that the suspension is inconsistent with the Supreme Court's 2021 decision in *Mahanoy Area School District v. B.L.*, where the Court addressed the First Amendment's limits on a school's ability to regulate student speech made off-campus on social media.

[Missouri School District Notifies Parents of Release of Student Information Per Court Order](#)

Columbia Public Schools has been involved in a lawsuit since 2020 over the district's then-discipline practices, namely the use of isolation, seclusion and restraint with students in special education, such as in confinement in roughly 200 cubic foot plywood boxes. Plaintiffs sought records from non-party students who were subject

to the discipline practices. The court ordered release of the records over the school district's objection. In connection with the release, the school district notified around 500 families of the release of confidential and personally identifiable information.

Virginia Department of Education Ends Diversity Teaching Grants

The Virginia Department of Education has halted a grant program designed to help teachers of color become fully licensed by providing funds to pay fees for the Praxis exam. The VDOE made the change without public announcement, merely removing the grant application from its website. [Some advocates](#) have criticized the decision for potential effects on staffing shortages.

Pending U.S. Supreme Court Petitions to Watch:

- **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). **Petition denied.**
- **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). **Petitions denied.**
- **Charter Day School, Inc. v. Peltier**: Whether a private entity that contracts with the state to operate a charter school engages in state action when it formulates a policy without coercion or encouragement by the government. (Specifically, whether the charter school violates Title IX by enforcing a student dress code requiring girls to wear skirts). **Petition denied.** The denial leaves in place [the decision](#) from the U.S. Court of Appeals for the Fourth Circuit (MD, NC, SC, VA, WV), which concluded that the charter school was engaging in state action and the dress code violated the Equal Protection Clause of the Fourteenth Amendment.
- **K.M. v. Adams**: Whether the Individuals with Disabilities Education Act's requirement that administrative remedies be exhausted before a judicial challenge under the act may be brought is jurisdictional, or rather a claim-processing rule that must be raised as an affirmative defense that may be waived. **Petition denied.**

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