



Court Report

Education Law News You Can Use

EEOC Proposes Rulemaking to Implement the Pregnant Workers Fairness Act

The U.S. Equal Employment Opportunity Commission issued a notice of proposed rulemaking to implement the Pregnant Workers Fairness Act, which went into effect on June 27, 2023. The act requires covered employers to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an undue hardship. This law builds upon existing protections against pregnancy discrimination under Title VII of the Civil Rights Act and access to reasonable accommodations under the Americans with Disabilities Act. Notably, part of the expanded rights for pregnant employees may include being excused from performing one or more essential functions of their job for up to 40 weeks during their pregnancy, and an additional 40 weeks to one year after returning to work — for a potential total of nearly two years, when leave to recover after childbirth is included.

Fourth Circuit (MD, NC, SC, VA, WV) Rules that Parents Lacked Standing to Challenge 'Gender Identity Support' Plans

A Maryland school board adopted 'Guidelines for Gender Identity' that permitted schools to develop gender support plans and implement the plans without the knowledge or consent of district parents. A group of district parents challenged the policy as a violation of the fundamental right to raise children under the Fourteenth Amendment. However, the parents failed to allege that their children indeed had gender support plans or that the school district withheld information regarding their children. The parents also failed to show a substantial risk of future injury, as they did not allege that their children were questioning their gender identity. The United States Court of Appeals for the Fourth Circuit remanded the case for dismissal for lack of Article III standing.

DC Circuit Holds that IDEA "Stay-Put" Provision Does Not Apply to Circumstances Beyond a School District's Control

A student with multiple disabilities received special education services at a residential treatment center, but the center unilaterally discharged him. The local school district was unable to find a new residential placement for the student, leaving him without educational services. The student's parent sued the school district, citing a violation of the Individuals with Disabilities Education Act for failing to keep the student in his then-current educational placement. The United States Court of Appeals for the District of Columbia Circuit rejected the argument, holding that the so-called "stay-put" provision does not apply when a student's educational experience changes due to circumstances beyond a school district's control.

Massachusetts Adopts Universal School Meals, Joining Growing Minority of States

Massachusetts passed a universal school meal program, joining seven other states (CA, CO, ME, MI, MN, NM, VT) that have established similar programs. The state budget includes \$172 million in permanent funding to provide universal school meals for public school students in grades K-12.

Pending U.S. Supreme Court Petitions to Watch:

- [**De villier v. Texas**](#) - Whether a person whose property is taken by the government without compensation may seek redress under the Takings Clause of the Fifth Amendment.

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