



Court Report

Education Law News You Can Use

Eleventh Circuit (AL, FL, GA) Rules That Superintendent's Due Process Claim Survives Despite Ambiguous Communication of Resignation

A school superintendent still under her contract experienced significant interpersonal difficulties with the school board, such that she emailed the board expressing an intent to tender her resignation. Less than a week later, before the superintendent more officially (or clearly) resigned, the board terminated the superintendent's contract. However, the superintendent's contract called for termination only for cause. The superintendent sued, claiming a denial of procedural due process, and arguing in turn that as a public employee dismissible only for cause, she has a protected property interest in her employment. The United States Court of Appeals for the Eleventh Circuit reversed the district court's dismissal of the due process claim, finding that the district court improperly construed the superintendent's ambiguous communication against her as a resignation, instead of in her favor as an intent to resign.

Colorado School Districts Join National Trend in Litigation Against Social Media Companies

Some Colorado school districts, including Denver Public Schools, recently agreed to join the lawsuit alleging that social media platforms contribute to the student mental health crisis. The cases have been consolidated into multidistrict litigation before a California judge, who will manage discovery and pretrial briefings. The cases will later return to their respective originating federal district courts for individual trials (absent settlement).

Wisconsin State Judge Blocks School District's Policy Allowing Students to Change Pronouns Over Parental Objection

A Wisconsin school district decided to honor a middle school student's new identity, against the expressed wishes of the student's parents. The parents sued, asserting that the school district's decision abrogates their fundamental rights in the care of their child. The judge agreed, granting summary judgment in favor of the parents, and framing the issue as "simply whether a school district can supplant a parent's right to control the healthcare and medical decisions for their children."

Mixed Ruling in Long-Awaited New Jersey School Segregation Case

In a complex and long-running legal battle in New Jersey, a coalition of families and advocacy groups, challenged the state over racial and socioeconomic segregation in its public schools. The challengers claimed that New Jersey's "home rule" residency statute and a history of discriminatory housing policies perpetuate

school segregation. Cited examples included districts where the public schools are nearly 70% Latino and 20% Black compared other districts where students of color make up less than 15% of the school population. The state contended that it does not violate its constitution and addressing segregation would massively disrupt the existing public school system. A state court judge issued a mixed ruling, finding that the plaintiffs failed to demonstrate pervasive segregation across all school districts but also acknowledging the state's insufficient efforts to address evident segregation in numerous districts.

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.) **Set for argument 10/31.**
- **Metropolitan School District of Martinsville v. A.C., a minor child by his next friend, mother, and legal guardian, M.C.** – Whether Title IX or the Equal Protection Clause dictate a single national policy that prohibits local schools from maintaining separate bathrooms based on students' biological sex
- **Coalition for TJ v. Fairfax County School Board** – Whether a school district violated the Equal Protection Clause in revising the admissions policy for a highly selective magnet high school to select a certain percentage of its incoming class from each of the district's constituent middle schools and the remaining allocation from a holistic review of a standardized application, allegedly in furtherance of a racial balancing goal.
- **Speech First, Inc. v. Sands** – Whether university bias-response teams - official entities that solicit, track, and investigate reports of bias; ask to meet with perpetrators; and threaten to refer students for formal discipline - objectively chill students' speech in violation of the First Amendment.
- **Devillier 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. **Petition granted.**
- **O'Handley v. Weber** – Whether the government speech doctrine empowers state officials to tell a social media platform to remove political speech that the state deems false or misleading.
- **Muldrow v. City of St. Louis** – Whether Title VII of the Civil Rights Act of 1964 prohibits discrimination in transfer decisions absent a separate court determination that the transfer decision caused a significant disadvantage.

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