



Court Report

Education Law News You Can Use

[U.S. Supreme Court Lowers Standard for Title VII Job Transfer Cases](#)

In *Muldrow v. City of St. Louis*, a sergeant with the St. Louis Police Department challenged her involuntary job transfer to another unit on the basis of sex discrimination under Title VII of the Civil Rights Act—while her rank and pay remained the same, the transfer changed the sergeant’s job responsibilities from high-profile investigations to supervising neighborhood patrol officers. In resolving a split among the federal circuit courts about the standard of harm a plaintiff must show under Title VII, the Court held that to make out a Title VII discrimination claim, a transferee must show some harm respecting an identifiable term or condition of employment, but the transferee need not show the harm incurred was significant or exceeded some heightened bar.

[Fourth Circuit \(MD, NC, SC, VA, WV\) Rules that West Virginia’s Transgender Ban on Girls’ Sports Violates Title IX](#)

West Virginia’s Save Women’s Sports Act, in effect, limits participation in girl-designated school-sponsored sports to individuals whose reproductive biology at birth is female. (In other words, the law prevents transgender girls from playing on girls’ sports teams, but does not restrict transgender boys from playing on boys teams.) A middle schooler, a transgender girl who takes puberty-blocking medication, challenged the law as violating the Equal Protection Clause and Title IX. (In April 2023, the Supreme Court [denied](#) the application to vacate the Fourth Circuit’s injunction.) The U.S. Court of Appeals for the Fourth Circuit reversed the district court’s grant of summary judgment against the student on the Equal Protection claim, but directed the district court to enter summary judgment in favor of the student on the Title IX claim. On the Equal Protection claim, the court ultimately found a material factual dispute on the question of whether “people whose sex is assigned as male at birth enjoy a meaningful competitive athletic advantage over cisgender girls?” On the Title IX claim, the court reasoned that the law imposes worse treatment on the basis of sex because it categorically applies to transgender girls but not transgender boys.

[Indiana Federal Court: Undue Hardship for School to Accommodate Teacher’s Religious Objection to Student Pronoun Policy](#)

A former Indiana high school teacher refused to call transgender students by their preferred names and pronouns, even if they were recorded accordingly in the school database. For a time, the teacher and school officials agreed that the teacher could refer to all students by their last name only. As this practice soon negatively affected all students, the school district rescinded the last-name-only accommodation and subsequently terminated the teacher for his refusal to comply with school policy on addressing students. The teacher in question brought Title VII claims for religious discrimination. On remand from the U.S. Court of Appeals for the Seventh Circuit following the Supreme Court’s recent ruling in *Groff v. DeJoy* (which clarified the undue hardship standard in Title VII religious accommodation cases), the U.S. District Court for the Southern District of Indiana granted summary judgment for the school district, finding the last-name-only accommodation an undue hardship based on the harm and disruption to school business.

Fourth Circuit (MD, NC, SC, VA, WV): State Health Insurance Plans Unconstitutional for Denying Coverage for Medically Necessary Gender Dysphoria Treatments

Sitting as a full panel, the U.S. Court of Appeals for the Fourth Circuit ruled (in a divided opinion, 8-6) that North Carolina's healthcare plan for state employees and West Virginia's Medicaid program, which both excluded coverage for medically necessary treatments for gender dysphoria, violated the Equal Protection Clause. The court found that discriminating on the basis of the diagnosis was discriminating on the basis of gender identity and sex, as gender dysphoria is inextricable from transgender status. Thus, the exclusions were subject to intermediate scrutiny, a heightened standard of review for an Equal Protection challenge. The plan and program both failed to meet that standard, as both states failed to provide persuasive justifications for the classification.

Fifteen States Sue ED Over Final Title IX Rule

The U.S. Department of Education issued its long-awaited [Title IX final rule](#) (effective August 1), which enshrines protections for LGBTQ students. Notably, a school would violate the rule if it denied a transgender student access to a sex-separate facility or activity consistent with that student's gender identity. Across four separate lawsuits, at least 15 states have already challenged the rule: ([TN, KY, OH, IN, VA, WV](#)); ([AL, FL, GA, SC](#)); ([TX](#)); ([LA, MS, MT, ID](#)).

Seventeen States Sue EEOC Over Final Regulations on Pregnancy Accommodations

The U.S. Equal Employment Opportunity Commission issued [a final rule](#) (effective June 18) implementing the Pregnancy Workers Fairness Act, a federal law which requires most employers to provide reasonable accommodations regarding an employee's known limitations with respect to pregnancy, childbirth, and related medical conditions unless the accommodation would result in undue hardship on the employer. As the regulation elaborates, examples of reasonable accommodations include time off for healthcare appointments or additional breaks, among others. Seventeen states jointly filed suit against the EEOC in the U.S. District Court for the Eastern District of Arkansas. The suit sets forth constitutional and administrative challenges to the final rule, but chiefly attacks the rule's requirement that employers accommodate elective abortions (i.e., "related medical conditions"). To be clear, however, these accommodations do not require an employer-sponsored health plan to pay for an abortion nor for travel to obtain an abortion.

Tennessee Passes Law Expanding Avenue for Teachers to Carry Concealed Handguns

Tennessee's governor signed into law a bill that in effect would allow a teacher to carry a concealed handgun on school property, provided the teacher submits a psychological evaluation and undergoes at least 40 hours of certification with local law enforcement. Tennessee previously allowed school staff with prior law enforcement experience to carry guns on school campuses.

Pending U.S. Supreme Court Petitions to Watch:

- [John and Jane Parents 1 v. Montgomery County Board of Education](#) – (1) Whether when a public school, by policy, expressly targets parents to deceive them about how the school will treat their minor children, parents have standing to seek injunctive and declaratory relief in anticipation of the school applying its policy against them; and (2) whether, assuming the parents have standing, a school policy that requires school employees to hide from parents that their child is transitioning gender at school if, in the child's or the school's estimation, the parents will not be "supportive" enough of the transition, violates their fundamental parental rights.
- [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.

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