



# Court Report

## Education Law News You Can Use

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### **Massachusetts Federal Court Upholds Student Discipline Over AI-Generated Cheating**

A junior at a Massachusetts high school submitted an AP U.S. history project that incorporated material created by a generative AI tool called Grammarly, which included so-called “hallucinations” that were fake citations to nonexistent books. The project violated the school’s academic integrity policies, which explicitly prohibited the unauthorized use of AI for assignments without proper attribution. The student received failing grades on parts of the project and was required to resubmit. As discipline, the student was subjected to a Saturday detention and was initially rejected from the National Honor Society (although he was later admitted). The student’s parents filed a lawsuit alleging violations of procedural and substantive due process under the Fourteenth Amendment and the state constitution, contending that the discipline was arbitrary and caused reputational damage. They sought to expunge the student’s disciplinary record and adjust his grades under a preliminary injunction, asserting time was of the essence based on college application deadlines. The court denied the motion for preliminary injunction, finding that the school’s policies were sufficiently clear, and the school’s actions represented reasonable enforcement of academic policies against misconduct. Moreover, the court highlighted the great deference afforded to school officials in disciplinary decisions.

### **U.S. ED’s OCR Releases Guidance on Non-Discriminatory Use of AI**

The U.S. Department of Education’s Office for Civil Rights published guidance outlining examples of discrimination involving AI that could violate federal civil rights laws based on race, color, national origin, sex, or disability. The list of examples is illustrative and non-exhaustive, and includes scenarios that could be considered discriminatory without AI but are compounded or worsened by its use. A salient example describes a generative AI detector flagging essays, but the detector has a high error rate in evaluating essays written by non-native English speakers, and school officials rely on the detector over the student’s objections.

### **U.S. Supreme Court Petitions to Watch:**

- ***Mahmoud v. Taylor*** – Whether public schools burden parents’ religious exercise by compelling elementary school children to participate in instruction on gender and sexuality against their parents’ religious convictions without notice or opportunity to opt out.
- ***Parents Protecting Our Children, UA v. Eau Claire Area School District*** – Whether parents subject to a school district’s policy regarding parental decision-making authority over a major health-related decision have standing to challenge the policy.
- ***West Virginia v. B.P.J., by next friend and mother, Heather Jackson*** – Whether Title IX or the Equal Protection Clause prevents a state from designating school sports teams based on biological sex determined at birth.
- ***Boston Parent Coalition v. School Committee for Boston*** – Whether an Equal Protection challenge to a facially race-neutral admission criteria is barred because members of the racial groups targeted for decline still receive a balance share of admissions offers.
- ***Little v. Hecox*** – Whether the Americans with Disabilities Act requires children with disabilities to satisfy a uniquely stringent “bad faith or gross misjudgment” standard when seeking relief for discrimination relating to their education.
- ***St. Isidore of Seville Catholic Virtual School v. Drummond*** (linked with ***Oklahoma Statewide Charter School Board v. Drummond***) – Whether it violates the First Amendment’s protection of religious freedom for a state to exclude religious schools from its charter school program just because the school is religious.

## **U.S. Supreme Court Cases to Watch:**

- [\*FDA v. Wages and White Lion Investments, LLC\*](#) – Whether the FDA’s denial of an application for authorization to market new e-cigarette products (including candy and fruit flavors) was arbitrary and capricious. (*Set for argument 12/2.*)
- [\*U.S. v. Skrametti\*](#) – Whether Tennessee Senate Bill 1, which prohibits medical treatments intended to allow a minor to identify with a purported identity inconsistent with the minor’s sex, violates the Equal Protection Clause (a related petition in [\*L.W. v. Skrametti\*](#) asks whether this same bill violates the fundamental right of parents to make decisions concerning the medical care of their children). (*Set for argument 12/4.*)
- [\*Free Speech Coalition, Inc. v. Paxton\*](#) – Whether strict scrutiny or rational basis review applies to a Texas law that restrict minors’ access to sexual material but significantly burdens adults’ access to protected speech.
- [\*Lackey v. Stinnie\*](#) – (1) Whether a party must obtain a ruling that conclusively decides the merits in its favor, as opposed to merely predicting a likelihood of later success, to prevail on the merits under 42 U.S.C. § 1988; and (2) whether a party must obtain an enduring change in the parties’ legal relationship from a judicial act, as opposed to a non-judicial event that moots the case, to prevail under Section 1988.
- [\*FDA v. R.J. Reynolds Vapor Co.\*](#) – Whether a tobacco product manufacturer may file a judicial review petition in a circuit outside of the District of Columbia if the manufacturer is not located in that circuit but is joined by a seller of their products located in that circuit.
- [\*Stanley v. City of Sanford\*](#) – Whether, under the Americans with Disabilities Act, a former employee — who was qualified to perform her job and who earned post-employment benefits while employed — loses her right to sue over discrimination with respect to those benefits solely because she no longer holds her job.
- [\*Wisconsin Bell, Inc. v. US ex rel. Heath\*](#) – Whether reimbursement requests submitted to the Federal Communications Commission’s E-Rate program are “claims” under the False Claims Act.
- [\*E.M.D. Sales, Inc. v. Carrera\*](#) – Whether the burden of proof that employers must satisfy to demonstrate the applicability of a Fair Labor Standards Act exemption is a mere preponderance of the evidence or clear and convincing evidence.
- [\*Williams v. Washington\*](#) – Whether a plaintiff must first exhaust state administrative remedies before bringing a claim under Section 1983 claim in state court.

**Compiled by:**

**BOSE  
McKINNEY  
& EVANS LLP**  
ATTORNEYS AT LAW

