



# Court Report

Education Law News You Can Use

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## [New Jersey Prohibits Book Bans in Schools and Libraries](#)

New Jersey Governor Phil Murphy signed into law the Freedom to Read Act, joining California, Illinois, Maryland and Minnesota as states that have enacted an anti-book ban law. The law requires school boards and public library governing bodies to adopt policies for selecting and retaining materials and prohibits them from removing materials, “because of the origin, background, or views” or, “solely because an individual finds certain content offensive.” However, the legislation permits limiting access to material that is, “developmentally inappropriate.”

## [Minnesota Law Requires Schools to Report Cybersecurity Incidents](#)

Minnesota recently passed legislation requiring public agencies (including K-12 schools districts) to report cybersecurity incidents to Minnesota IT Services (MNIT), a state agency that manages information technology. Reportable incidents include any unauthorized access, use, or disclosure of sensitive information that bypasses existing security controls. (For example, a phishing email blocked by a spam filter is not reportable, but a school employee providing credentials to a phishing email and not immediately changing passwords is reportable). When reporting an incident, school districts must provide details such as the nature of the breach, the systems or data affected, the mitigation steps taken, and whether student or employee data was compromised. Reports are anonymized to analyze trends to provide insights from shared experiences without sacrificing confidentiality.

## [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.
- [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.
- [A.J.T. v. Osseo Area Schools, Independent School District No. 279](#) – 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.
- [Little v. Hecox](#) – Whether laws that seek to protect women’s and girls’ sports by limiting participation based on sex violate the Equal Protection Clause.
- [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. (Argued 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). (Argued 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. (Set for argument 1/15.)
- [\*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. (Set for argument 1/21.)
- [\*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.
- [\*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.

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