



Court Report

Education Law News You Can Use

U.S. Supreme Court Grants Review to Reconsider Standard for Religious Accommodations at Work

The U.S. Supreme Court will review a case involving a claim to religious accommodations by a postal worker, but the decision in this case is expected to set up a showdown in schools between students requesting pronoun changes and school staff who object on religious grounds under Title VII. This is likely to impact several pending cases right now in the courts of appeals.

Indiana Case Challenging State Law Regulating Male Students Playing on Female Teams Dismissed

A student, who with the help of the ACLU filed suit to challenge Indiana's law that prohibits individuals who are biological males at birth from playing on female teams, withdrew enrollment at Indianapolis Public Schools after the case was appealed to the U.S. Court of Appeals for the Seventh Circuit, which covers Illinois, Indiana and Wisconsin. This change in enrollment rendered the case moot, and so it was dismissed by the Seventh Circuit and the federal district court.

Clinton Appointee Rules in Favor of West Virginia State Board of Education in Transgender Case Filed by Student Challenging Athletics Rule

The district court took issue with the definitions of "sex" and "gender," concluding that a person (without a rare genetic mutation) has either male sex chromosomes or female sex chromosomes, but gender relates to a social construct of "roles, behaviors, activities and attributes." Thus, the distinction drawn by the state is not prohibited by federal statutory or constitutional law but left to the province of the state legislature.

Oklahoma Legislature Considering Major Education Reform Bills

Expanding school choice, the proposed legislation is considered to be the largest expansion of school-choice in Oklahoma's history. No zip code or financial terms would cap the scholarship amounts, but it may only apply to 57 of 77 counties. The legislation also prevents private schools from being required to agree to nondiscrimination provisions.

Washington School Districts Files Suit Against Facebook, Google, SnapChat and Other Social Media Platforms Alleging Damages from Mental Harm Caused by Social Media

A Seattle school corporation filed suit against a collection of social media platforms, and a nearby Washington state school district joined the fray soon thereafter. The lawsuit alleges that social media cause significant emotional and mental harm among students, and the school corporations allege that they face damages as a result of this. Legal pundits are split on whether these suits have any traction.

Indiana Considering Mandatory Parent Notification Bill

When students request name changes or pronoun changes at school, proposed legislation in Indiana would require parental notification. Some organizations state that this could "out" students, while the Indiana senator sponsoring the bill explains that this requires only parents be notified.

Nebraska Governor Introduces Legislation Package to Reform

The bills increase scholarships for students to attend private schools while also increasing spending on teacher compensation.

Pending U.S. Supreme Court Petitions to Watch:

- **Groff v. DeJoy**: (1) Whether the court should disapprove the more-than-de-minimis-cost test for refusing religious accommodations under Title VII of the Civil Rights Act of 1964 stated in *Trans World Airlines, Inc. v. Hardison*; and (2) whether an employer may demonstrate “undue hardship on the conduct of the employer’s business” under Title VII merely by showing that the requested accommodation burdens the employee’s coworkers rather than the business itself. ***Petition granted.***
- **Counterman v. Colorado**: Whether, to establish that a statement is a “true threat” unprotected by the First Amendment, the government must show that the speaker subjectively knew or intended the threatening nature of the statement, or whether it is enough to show that an objective “reasonable person” would regard the statement as a threat of violence. ***Petition granted.***
- **Bronwyn Randel, Petitioner v. Rabun County School District**: In a case involving 14th Amendment Due Process Clause claims regarding the non-renewal of a teacher, the question presented is: Does the existence of a state post-deprivation process preclude a procedural due process claim (a) only where a pre-deprivation process that satisfied constitutional standards would be impracticable, such as because the deprivation was a random or unauthorized act of an errant state official (the rule in ten circuits and under decisions of the highest courts in eight states), or (b) in any case in which, even though compliance with constitutional standards in a pre-deprivation process was practicable, the state post-deprivation process provides some form of remedy for the constitutional deficiency of the pre-deprivation process (the longstanding rule in the Eleventh Circuit, covering Alabama, Florida and Georgia)?

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