

SNIFFEN & SPELLMAN, P.A.



Education Law Alert

April 2019

Florida House Passes Bill to Require School Districts to Share Referendum Money with Charters

When voters choose to hike their local property taxes to help schools in their county, that money would need to be shared between districts and charter schools under a bill passed by the Florida House. The bill would apply to roughly 20 districts in the state which have voted to increase their local property taxes to benefit public schools.

There is currently no similar language related to referendum money in the Florida Senate, though that is fairly typical for this point in the process when dealing with tax bills. It's unclear so far whether the Senate will take up a similar idea.

Read more [here](#).

Texas Teach Medical School, Under Pressure from Education Department, Will Stop Considering Race Admissions

The U.S. Education Department's Office for Civil Rights is requiring Texas Tech University's medical school to stop considering race in admissions. The move marks an escalation of the Trump administration's efforts against colleges' affirmative action policies.

Texas Tech's medical school was cited for failing to demonstrate that it was conducting regular reviews of its affirmative action programs to be sure that consideration of race was needed. The university indicated in a letter to OCR that it believed it was not doing anything illegal, but that it would go along with OCR's determination.

Read more [here](#).

Senate Approves Harsher Hazing Penalties

On Tuesday, April 23, 2019, the Florida Senate approved legislation (SB 1080) sponsored by Senator Lauren Book that would allow prosecution of fraternity and sorority members involved in hazing. The House version is currently on the Calendar.

Third degree felony charges would apply to those involved in hazing, including the planning of the act, when it results in permanent injury to the victim. Planning the act without such injury having been incurred could mean first degree misdemeanor charges. Prosecution immunity applies to those present if they reported the medical incident and gave their identities while doing so, or if they rendered aid.

Read more [here](#).

Ron DeSantis Seeks Free Speech Resolution Allowing Controversial Speakers at Florida Universities

Governor DeSantis made an announcement at Florida State University on April 15 that Florida colleges and universities should adopt a specific free speech policy that allows for more "intellectual diversity." The Governor recommended colleges to adopt a resolution similar to the "Chicago Statement," which is a statement on campus free speech that declares all viewpoints should be allowed to be discussed on college campuses, even if they are ones students may "loathe" or find "deeply offensive."

The announcement came as Florida lawmakers consider legislation (SB 1296 and HB 839) that would require each of the state's public universities, to conduct an annual "assessment" looking at "intellectual freedom and viewpoint diversity at that institution."

Read more [here](#).

More Civil Lawsuits Could be Headed to County Courts

On April 25, the Florida Senate placed a bill (SB 328) on the Calendar for second reading that would shunt more civil lawsuits to county courts. The Florida House passed a companion bill on April 25, 2019. At present, there is a \$15,000 limit on damages in civil suits, also called "small claims," filed on the county level. This bill, as amended in committee, would raise that to \$30,000 on Jan. 1, 2020, and to \$50,000 by Jan. 1, 2022. The current cap hasn't been changed since 1992.

Read more [here](#).

United States Supreme Court Addresses Issues Pertaining to Gay and Transgender Individuals

The Supreme Court will be hearing argument in three cases addressing whether sexual orientation and/or gender identity are covered under federal anti-discrimination law. Two cases deal with whether Title VII of the Civil Rights Act covers sexual orientation and the other asks if Title VII includes gender identity.

One case is from New York and involves a now deceased Plaintiff who alleges that he was fired because he was gay. The second case, from Georgia, involves a county government worker who also alleges he was fired because he is gay. The final case, from Michigan, involves a transgender woman who alleges she was fired from her job at a funeral home based on her gender identity. Hopefully the Supreme Court will resolve the disagreements amongst the various circuits on this dynamic issue.

Read more [here](#).

From the Lighter Side: Beer Bites Back

A Tallahassee man claims he discovered a tooth inside a Busch beer he purchased from a Tallahassee Family Dollar. What seemed like a normal Friday after work Busch, quickly turned into a disaster when the man felt something cut his mouth. Upon further inspection the man found a brown tooth inside his mouth that he alleges did not belong to him. The man sent the tooth and beer to Anheuser-Busch who inspected the claim and determined the tooth did not originate from its brewery. The man went to a doctor who informed him that he had bacteria in his body that needed to be tested further. At this point, the man is keeping his options open in case he needs to pursue litigation.

Read more [here](#).