

Recent School Law Cases



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Recent Public Education Case Law

- This briefing is not intended to replace the legal counsel of your school board's or school district's attorney.
- These cases are from other states and circuits.



B.A. v. State of Indiana (Ind. 06/20/18)

- A 13-year-old middle school student was suspected of scribbling a bomb threat on a bathroom wall.
- An uniformed police officer escorted the student directly from the school bus to a vice principal's office.
- The student was questioned by the vice principal and three police officers, which included a handwriting test.
- The student cried and admitted to writing the threat, was turned over to the resource officers, arrested and taken to a juvenile detention center.



B.A. v. State of Indiana (Ind. 06/20/18)

- During his delinquency proceedings, the student sought to suppress the evidence from his interview contending that his Miranda rights were violated.
- The Indiana Court of Appeals upheld the delinquency charges holding that the Miranda warnings weren't required because the vice principal questioned the student for "an educational purpose."
- The Indiana Supreme Court overruled the appellate court, holding that the student was entitled to Miranda warnings.



B.A. v. State of Indiana (Ind. 06/20/18)

- The Indiana Supreme Court focused on the student being taken into custodial interrogation beginning when the police officer escorted him from the school bus and all three police officers participated in the questioning in the vice principal's office.
- The Indiana Supreme Court explained because children are particularly susceptible to coercion, the Miranda warnings are especially important.
- The Indiana Supreme Court pointed out there was no danger to the school at the time of questioning, thus no educational purpose.



***In Re: Student with a Disability, 117 LRP 45822
(SEA MN 09/20/17)***

- A Minnesota high school student with an unspecified disability registered for a summer hybrid class, which combined traditional in-class instruction with online assignments.
- Her IEP team didn't anticipate that she would do this.
- The student struggled with the accelerated summer school schedule but declined offers of help by her teacher.
- Her parents filed for due process, asserting that the district didn't follow the IEP's call for reduced or modified assignments, including a resource room for homework.



***In Re: Student with a Disability, 117 LRP 45822
(SEA MN 09/20/17)***

- The state's education department dismissed the parent's complaint and found no IDEA violation.
- It concluded that the student's IEP provided for academic instruction with general education peers and for specialized instruction in a daily resource room for homework during the school year.
- Also, it concluded that the student's IEP did not call for Extended School Year services.



***Robinson v Morrill County Sch. Dist. #63, S-17-216
(Neb. 04/26/18)***

- A curriculum and assessment coordinator was accused of an inappropriate relationship with a student, but the investigation concluded there was no inappropriate conduct.
- In response to the false allegation, the coordinator exhibited insubordinate and unprofessional behavior because he was upset.
- He would not meet or interact with other staff members, refused to collaborate with other employees, and tape recorded other employees without their consent.



Robinson v Morrill County Sch. Dist. #63, S-17-216
(Neb. 04/26/18)

- The next school year, the superintendent suspended him with pay for his inability to work with others.
- During the second semester, after a formal hearing with the school board, his employment contract was canceled.
- The coordinator appealed to the district court, which affirmed the school board's cancellation of his employment contract.
- The Nebraska Supreme Court upheld the ruling of the district court citing the employee's conduct was unprofessional and insubordinate which resulted in a dysfunctional working environment.



Sanchez v. Brawley Elem. Sch. Dist., 1655892 (9th Cir. 04/20/2018)

- A female elementary student alleged peer-to-peer harassment and retaliation claiming a Title IX violation.
- A male student flicked the female student's chest and she responded by kneeling him in the groin.
- As a result, the school gave her an one day suspension and briefly removed her from the honor roll.
- Later, she was allowed to participate in the honor roll ceremony and made up schoolwork so her grades didn't suffer.



Sanchez v. Brawley Elem. Sch. Dist., 1655892 (9th Cir. 04/20/2018)

- The female student brought a Title IX claim to district court.
- Title IX provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.
- Elements to be proved are (1) deliberate indifference to sexual harassment, (2) actual knowledge, and (3) so severe, pervasive and objectively offensive that it deprived the victim of access to educational opportunities and benefits.



Sanchez v. Brawley Elem. Sch. Dist., 1655892 (9th Cir. 04/20/2018)

- The district court granted summary judgement to the school district and dismissed the student's case.
- The 9th Circuit Court of Appeals upheld the district court's ruling.
- The 9th Circuit ruled the student hadn't proved a violation of Title IX because one incident is insufficiently "severe, pervasive and objectively offensive" and she wasn't denied educational opportunities and benefits.
- The 9th Circuit concluded the evidence proved she was disciplined for kneeling the male student thus not a protected activity.



Toney v. Young and Atterberry, 17-15395 (9th Cir. 03/01/2018)

- A high school campus supervisor alleged that she was terminated in retaliation for exercising her First Amendment right of free speech.
- A school district can't lawfully curb an employee's speech if that employee is not acting in his or her official responsibilities at the time of the alleged conduct.
- There was an altercation between students and non-students on the school's campus.
- The supervisor's duties were to maintain a orderly and safe school environment.



Toney v. Young and Atterberry, 17-15395 (9th Cir. 03/01/2018)

- During the melee, the supervisor declared police brutality and instructed students to film the police.
- A school district terminated her employment.
- She sued in district court, but the district court ruled in favor of the school district concluding that the supervisor spoke in her capacity as a public employee.
- The 9th Circuit upheld the district court's ruling determining that her comments were made during the course of her responsibilities to maintain campus order and safety.



***Manley v. Law and Hinsdale Twp. High Sch. Dist. 86, 16-3846
(7th Cir. 05/10/18)***

- A former school board member claimed that an Illinois school board violated her federal constitutional rights when she was reprimanded.
- The school board member got into a verbal altercation with a student who was leafletting for her political opponent during the time for a board reelection.
- The board member insisted the student's actions violated school board policy.
- The student accused the board member of bullying.



***Manley v. Law and Hinsdale Twp. High Sch. Dist. 86, 16-3846
(7th Cir. 05/10/18)***

- After an investigation was conducted, the board member was admonished for violating school board policy and overstepping her authority.
- The school board member got into a verbal altercation with a student who was leafletting for her political opponent during the time for a board reelection.
- The board member sued alleging a violation of the Due Process Clause in district court.
- The Due Process Clause imposes procedural obligations on the government before it deprives a person of life, liberty or property.



***Manley v. Law and Hinsdale Twp. High Sch. Dist. 86, 16-3846
(7th Cir. 05/10/18)***

- The district court ruled against the board member declining to accept her claim that she was deprived of her liberty interest to be treated fairly and protect her emotional well being.
- The 7th Circuit upheld the district court's ruling, asserting that there is no free standing legal guarantee of present enjoyment of emotional well being and there was no change in the board member's legal rights or status as a result of a due process violation.



Questions?

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Thank you!