

# *Legal odds and ends*



UL Lafayette  
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# *American Humanist Association v.*

## *Birdville Independent School District*

- Prayer by student at Board Meeting
- 5<sup>th</sup> Circuit Decision
- Whether this case is essentially more a legislative-prayer case or a school-prayer matter.
- \*no students sit on the BISD board, BISD board members do not deliver the invocations, and the student representatives are not expected to attend board meeting
- Court held the legislative-prayer exception should apply to the Birdville school board's policy

# **CARVER MIDDLE SCHOOL GAY-STRAIGHT ALLIANCE**

## **v. SCHOOL BOARD OF LAKE COUNTY, FLORIDA**

- Florida middle schools qualified as "secondary schools" under the federal Equal Access Act
- courses through which a person receives high school credit that leads to the award of a high school diploma
- Satanic Temple of Seattle seeks to start after school Satan club in direct response to the Good News Bible Club in an elementary school. How is this different from Carver Middle School?

# Guns on Campus?

- gun rights group sought to compel a Georgia state panel to reinstate a statute that authorized licensed gun owners onto school property.
- That measure was signed in to law by Gov. Nathan Deal on April 22, 2014. The next day, Deal signed HB 60, a bill that made it unlawful for any person to have a firearm "within a school safety zone" unless that person was dropping off or picking up a student.
- The Code Revision Commission determined that the two measures were in conflict, and it gave effect to the school weapons prohibition because it became law later.

# Sex Offender on Campus

- Father of Elementary school child denied access to campus and activities for 27 year old conviction
- Alleges that the policy violates the plaintiff's due process rights under both the California Constitution and the 14th Amendment of the U.S. Constitution.
- He must maintain such a distance from the school that his child must walk alone along a dangerous distance on a public thoroughfare to get to school (California does not mandate busing for students)
- policy harms a child who is being denied parental support at academic and athletic events



# Transgender Issue?

- Trump administration revokes Obama-era transgender bathroom guidance for schools
- "This is an issue best solved at the state and local level," Education Secretary Betsy DeVos said. "Schools, communities, and families can find -- and in many cases have found -- solutions that protect all students."
- Congress, state legislatures, and local governments are in a position to adopt appropriate policies or laws addressing this issue," Attorney General Jeff Sessions

# Wonder, the goldendoodle service Dog

- Fry v. Napoleon Community Schools – 6th Circuit
- Girl with cerebral palsy wants to have service dog at school – do they have to exhaust procedures under IDEA before suing under ADA.
- Education plan v. performance function
- Personal Aide already paid for under IDEA to help
- Parents
- Want
- Bonding



# Supreme Court says:

- If suit is about something other than denial of FAPE, then OK to sue before exhausting remedies.
- Q1 Could claims be raised if conduct had occurred in a public facility, not a school?
- Q2 Whether an adult with disabilities could have pressed the same grievance.



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