

Important Court Cases

ATHLETICS

- [Court declined to hear Michigan High School Athletic Assoc.'s appeal... \(2007\)](#)
The Court declined to hear the Michigan High School Athletic Association's (MHSAA) appeal of a Sixth Circuit decision that declared the Association discriminates against female high school athletes by scheduling six girls' sports, but no boys' sports, in less-advantageous, off seasons. Beginning in Fall 2007, MHSAA must implement a plan that will equalize the seasons in which boys and girls play in the state.

FREE SPEECH

- [Hazelwood School District et al. V. Kuhlmeier et a... \(1988\)](#)
In Hazelwood, the Court relied heavily on Bethel to uphold the right of school administrators to censor materials in a student-edited school paper that concerned sensitive subjects such as student pregnancy, or that could be considered an invasion of privacy.
- [Bethel School District No. 403 et al. V. Fraser, A Minor, et al. \(1986\)](#)
In Bethel, the Court upheld the right of Washington state high school administrators to discipline a student for delivering a campaign speech at a school assembly that was loaded with sexual innuendo. The Court expressed the view that administrators ought to have the discretion to punish student speech that violates school rules and has the tendency to interfere with legitimate educational and disciplinary objectives.
- [Tinker et al. v. Des Moines \[Free Speech of Students\] \(1969\)](#)
In Tinker, perhaps the best known of the Court's student speech cases, the Court found that the First Amendment protected the right of high school students to wear black armbands in a public high school, as a form of protest against the Viet Nam War. The Court ruled that this symbolic speech--"closely akin to pure speech"--could only be prohibited by school administrators if they could show that it would cause a substantial disruption of the school's educational mission.

SEXUAL HARASSMENT

- [Jackson v. Birmingham Board of Education \(2005\) – Protection Against Retaliation](#)
In Jackson v. Birmingham Board of Education, in which the National Women's Law Center represented plaintiff Roderick Jackson, the Supreme Court ruled in 2005 that individuals are protected under Title IX if they are retaliated against for protesting sex discrimination in their schools. Justice O'Connor wrote the decision for the Court (which split 5-4), in which she recognized that even though retaliation is not specifically mentioned in the statute, "if retaliation were not prohibited, Title IX's enforcement scheme would unravel."
- [Fifteen Expensive Reasons Why Safe Schools Legislation Is In Your State's Best Interest](#)
GLSEN & NCLR - Sep 01, 2005
Following are summaries of fifteen cases that have been brought against school districts for failing to protect students from discrimination on the basis of sexual orientation. These cases illustrate the following:
>School districts can be held liable under existing federal law for failing to protect students from harassment based on sexual orientation and gender nonconformity.
>Without clear directives from their state legislature, many school districts have failed to protect students from harassment and discrimination, putting themselves at risk for potential legal liability.
>In all of the cases brought to date, the student either prevailed after trial or achieved a settlement.
- [Davis V. Monroe County Bd. of Ed \(1999\)](#)
A private Title IX damages action may lie against a school board in cases of student-on-student harassment, but only where the funding recipient is deliberately indifferent to sexual harassment, of which the recipient has actual knowledge, and that harassment is so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school.

- [Oncale v. Sundowner Offshore Services 523 U.S. 75...\(1998\)](#)
Sex discrimination consisting of same-sex sexual harassment is actionable under Title VII. Title VII's prohibition of discrimination "be-cause of . . . sex" protects men as well as women, *Newport News Shipbuilding & Dry Dock Co. v. EEOC*, 462 U. S. 669, 682,
- [Gebser v. Lago Vista \(1997\)](#)
The question in this case is when a school district may be held liable in damages in an implied right of action under Title IX of the Education Amendments of 1972, 86 Stat. 373, as amended, 20 U.S.C. § 1681 et seq. (Title IX), for the sexual harassment of a student by one of the district's teachers. We conclude that damages may not be recovered in those circumstances unless an official of the school district who at a minimum has authority to institute corrective measures on the district's behalf has actual notice of, and is deliberately indifferent to, the teacher's misconduct."
- [Franklin v. Gwinnett decision \(1992\)](#)
A damages remedy is available for an action brought to enforce Title IX.

SEXUAL ORIENTATION

- [*Snelling v. Fall Mountain Regional Sch. Dist.*, 2001 WL 276975 \(D.N.H. 2001\)](#)
(holding that harassment based on "sex-based stereotypes of masculinity" is actionable under Title IX)
Two brothers brought a lawsuit against the school district and various individuals for the sexual harassment the boys experienced in high school. Although the boys complained to the principal and the superintendent, the harassment continued to persist. The court held that the school district had notice of the harassment and that the harassment rose to the level of being sufficiently severe, pervasive, and objectively offensive to be actionable under Title IX. Additionally, the court held that harassment based on sex-based stereotypes of masculinity is also actionable under Title IX.
- [Declaratory Ruling on Behalf of John/Jane Doe...\(2000\)](#)
While gender identity is not explicitly included in the state's anti-discrimination law, the Connecticut Commission on Human Rights and Opportunities has ruled that transgender individuals can pursue anti-discrimination claims under the category of sex discrimination.
- [Ray and Ray v. Antioch Unified School District \(2000\)](#)
In *Ray v. Antioch Unified School District*, 107 F. Supp. 2d 1165 (N.D. Cal. 2000), a male student claimed that he was harassed and assaulted because of his perceived sexual orientation. The school district petitioned to have the Title IX claim dismissed. The court held that harassment due to the student's perceived sexual orientation can constitute "sexual harassment" under Title IX. The court said, "Plaintiff was targeted by his classmates due to his perceived sexual status as a homosexual, and was harassed based on those perceptions. Thus, although Plaintiff's complaint makes no specific characterization of the harassing conduct as 'sexual' in nature, it is reasonable to infer that the basis of the attacks was a perceived belief about Plaintiff's sexuality, i.e. that Plaintiff was harassed on the basis of sex. (from Women's Sports Foundation)
- [Nabozny v. Podlesny 92 F.3d 446 \(1996\)](#)
Since 1996, several school districts and school personnel have been sued for ignoring the rights of gay and lesbian students (Safe Schools Coalition of Washington State, 1996). In July 1996, the Seventh Circuit Court of Appeals upheld Jamie Nabozny's (*Nabozny v. Mary Podlesny, William Davis and Thomas Blauert*, 1996) right to sue school officials under the Equal Protection Clause of the Fourteenth Amendment in the U.S. Constitution.