



Education Law Alert September 2014

The Ohio State University Settles Title IX Case with U.S. Department of Education

The Ohio State University (“OSU”) is the most recent postsecondary institution to enter into a settlement agreement with the United States Department of Education’s Office for Civil Rights (“OCR”). OCR announced this month that it completed its “proactive” compliance review of OSU and determined that its policies pertaining to sexual violence did not comply with Title IX. Of importance, the investigation was initiated in 2010 by OCR rather than a complainant.

During the investigation, and as part of resolution agreement, OSU took and agreed to take the following actions:

- Establish a one stop Title IX webpage and create a centralized [Office of University Compliance and Integrity](#), and form a sexual violence consultation team, a group of first responders that meets bi-weekly to discuss and respond to all sexual violence complaints;
- Develop online training modules for students on bystander intervention;
- Make substantial improvements in documenting its sexual violence investigations;
- Revise certain policies consistent with the law;
- Review the handling of sexual harassment/violence complaints and reports since the 2011-12 academic year and continue to provide and expand mandatory sexual assault and harassment training to all members of the university community;
- Establish a campus focus group to provide input on strategies for ensuring that students understand their rights under Title IX, how to report possible violations, and OSU’s obligation to promptly and equitably respond to Title IX complaints;
- Ensure students and staff members are aware of Title IX’s prohibition against sexual assault and sexual harassment, including how to recognize it when it occurs, and how to report incidents;
- Provide timely and effective interim relief for complainants, including academic adjustments, housing changes, counseling, and health and mental services, as necessary, and document this relief in investigative files.

More information, including a copy of the resolution agreement, is available at the following link: [OCR Press Release](#)

Satanists Seek to Distribute Materials in Florida School District

Most school districts have dealt with issues involving prayer in school and the distribution of religious materials. Orange County Public Schools (“District”) are now facing an issue with The Satanic Temple, a religious group, which seeks to distribute material on school campuses, including “The Satanic Children’s Big Book of Activities.” A spokesman for The Satanic Temple claims that the distribution request is a form of protest after the District permitted other religious groups to distribute Bibles and other religious material last year.

More information can be found at the following link: [Orlando Sentinel](#)

U.S. Department of Education Issues Fact Sheet on Enrollment of Immigrant Students

In last month’s *Education Law Alert*, we addressed an article which highlighted growing issues with enrolling new immigrant students. Apparently, the concerns voiced by many school districts across the Country have reached the United States Department of Education (“US DOE”). This month, US DOE released a new Fact Sheet containing numerous questions and answers for school districts relating to the enrollment of immigrant students. The questions in the Fact Sheet addressed by US DOE are as follows:

- What forms might unaccompanied children receive from HHS at their release and bring with them when they are living with a sponsor and seeking to enroll in a local school?
- Do schools need to maintain any HHS forms or other documents presented by a child at enrollment?
- Do all unaccompanied children meet the definition of “refugees” for purposes of the HHS Refugee School Impact program?
- Under ESEA Title III, what funds may be available that can help educate immigrant students?
- What information is needed to determine whether students are “immigrants” for purposes of the Title III immigrant children and youth program?
- How should districts collect data for purposes of determining Title III immigrant children and youth program eligibility and providing information for within-state allocations under Title III?
- Is there a place to get more information or technical assistance about best practices and legal requirements on enrollment procedures?
- If a student or family requests help identifying legal services, are there available resources that can be shared?

More information is available at the following link: [Fact Sheet](#)

Disabled Graduate Wants Diploma Voided

A disabled student and recent graduate of Newport Harbor High School in California filed a rather unique federal lawsuit. Crystal Morales suffered a traumatic brain injury because of a drunk driver and, as a result, the District pushed her through graduation by waiving assignments and boosting her grades. The District contends that Morales’s mother demanded that her daughter graduate and not be evaluated for exceptional student education. Morales now seeks to redo the last part of her senior year.

More information can be found at the following link: [Los Angeles Times](#)

Maine Elementary School Informs Parents of Transgender Student

Old Town Elementary School and the school district of Old Town, Maine, recently delivered shocking news to the parents of children that attend the school. The parents were informed that there is a transgender student amongst the student population. School officials sent a letter to parents who have children in the same learning community as the transgender student at the school comprised of approximately 120 students.

In what is a new situation for all involved, Superintendent David Walker said the transgender student’s family met with officials over the summer and determined sending a letter to the other parents was the best way to inform others of the news. The letter explained that a student many were familiar with as a boy will now be recognized as a girl. Walker said it was important for the parents to hear the news from school officials rather than their children.

More can be found at the following link: [WCSH 6 \(Portland\)](#)

Florida Department of Education Issues Digital Classroom Plan Guidance

The Florida Department of Education has recently released guidance on technology issues in the classroom. More specifically, the guidance concerns the implementation of digital classroom plans. The Florida Department of Education’s Bureau of Educational Technology released the guidance for school districts implementing such plans to comply with section 1011.62(12)(b) of the Florida Statutes. That statutory provision requires school districts to submit to the Florida Department of Education digital classroom plans adopted by the school boards of the districts.

The statute requires that the approved plan meet the needs of students, schools, and personnel in the district. The guidance issued by the Florida Department of Education seeks to provide assistance to school districts to draft the digital classroom plan and provides templates for school districts to follow.

More information can be found at the website for the guidance at the following link: [Digital Classroom Plan Guidance](#)

ACLU Demands Investigation into Single-Gender Classes

The American Civil Liberties Union (ACLU) is asking for three Florida counties to be investigated for alleged Title IX violations. The ACLU is accusing Broward, Volusia and Hernando counties of gender discrimination for instructing teachers in single-gender classes to use different teaching methods for boys and girls. The ACLU also requested the U.S. Department of Education’s Office for Civil Rights to probe Stetson University’s participation in the Volusia County classes.

Director of Legal Operations for the ACLU of Florida Nancy Abudu said the concern is that the implementation of single-gender classes has historically been used to push males and females onto very different educational tracks. In an effort to prevent similar issues from arising more often, Florida legislators recently passed new guidelines during the spring session requiring school employees to participate in professional development sessions centered on instructional strategies. However, Florida is not alone in dealing with such gender-related issues, as a similar complaint was recently filed in Texas.

More can be found at the following link: [CBS Miami / NSF](#)

Febreeze as a Weapon?

A Florida mom was charged with criminal misdemeanor battery for spraying her adult son in the face with Febreeze during an argument. The woman said she was arguing with her son who suffers from a mental illness. The argument quickly escalated after her son called her a derogatory name at which point he was doused with the household odor eliminator.

The mom, apparently at her wit’s end, told the responding deputies she was frustrated with the mental health system in Florida and that she just wanted the deputies to make her son disappear, saying “shoot him or something.” There was no indication whether she consciously chose Febreeze as her weapon of choice.

Mom posted bail and has an upcoming court appearance on October 14.

Source: [The Smoking Gun](#).

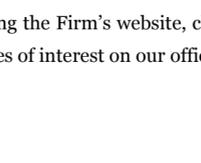
Firm News



On September 25, 2014, **Terry J. Harmon** presented “Bullying and Cyberbullying: Legal Issues and Policy Review” to Levy County School District administrators in Bronson, Florida.



Attorneys **Mark Logan** and **Maureen McCarthy Daughton** will be on-air hosting WFSU 88.9 FM’s Fall 2014 Pledge Drive on October 21st, 2014 from 7:00am - 8:30am. Sniffen & Spellman, P.A. will match donations up to \$500.00 at this time. You can find our more information at [wfsu.org](#).
Make sure to tune in!



We hope to see you on Sunday, October 19th, 2014 in Cascades Park as we Make Strides Against Breast Cancer in Leon County! For more information, visit the [Making Strides Tallahassee Facebook Page](#) or sign up [HERE](#).

Also join us on October 2, 2014 as we [Paint the Town Pink!](#)

Past Issues of the Education Law Alert Available on Website

You may view past issues of the Education Law Alert on the Firm’s website: [www.sniffenlaw.com](#). After entering the Firm’s website, click on the “Publications” page. Our Firm also highlights various articles of interest on our official Twitter feed, @Sniffenlaw.