

SNIFFEN & SPELLMAN, P.A.

EDUCATION LAW ALERT January 2019

Legislator Wants to Allow Students to Carry Firearms on Florida College Campuses

In his first batch of bills filed for the March session, State Representative, Anthony Sabatini, R-Clermont, filed a bill to allow college and university students to carry guns on campus, including into classrooms. Similar bills have been filed since 2014 which were met with strong opposition, resulting in the failure of passage. If passed this legislative session, Florida would join 12 other states that allow citizens to carry firearms on campus.

Read more [here](#).

Education Bills Continue to Mount as Florida Legislative Session Nears

With committee meetings already under way, several senators and representatives have filed their bills seeking to do anything from increase the minimum teacher salary to \$50,000 (SB 152), to require public schools to offer elective Bible courses (HB 195). Also, Senator Baxley filed a bill to allow school districts to adopt their own academic standards, as long they are more "rigorous" than the state minimum standards (SB 330). These are just a few of the filed bills, read more proposals [here](#).

Scholarships for Bullied Students get Fewer Takers than Predicted, According to Officials

Approximately 60 children so far have received Florida's new private-school scholarship for students who claim they have been bullied in public school. This number is by far fewer than the 7,300 students the state estimated would use the new Hope Scholarship this school year.

Education Commissioner Richard Corcoran pushed for the program last year when he was the speaker of the House. He commented that most scholarship programs experience a "slow ramp up." He also added that the "laborious application process" for the Hope Program has slowed interested families from qualifying.

Read the case [here](#).

State Board of Education Eyes Changes to School Safety Law, Bullying Scholarship

The State Board of Education had its first and only meeting before the Legislative session begins and the board members indicated that they hope lawmakers revisit some of the most heated issues in education. School Safety was among the top priorities mentioned.

Board member Michael Olenick said the Legislature should consider increasing funding for both armed school security and for increased mental health programs in schools. Both those elements were crucial pieces of last year's SB 7026, the monumental law that was passed following the Parkland shooting which requires all public schools to have armed protection, either through law enforcement officers or trained school staff.

Also, Education Commissioner Richard Corcoran was present at the meeting and informed the board that remaining funds from the Hope Scholarship would be directed to students on the waiting list for other scholarships administered through Step Up For Students.

Read more [here](#).

Lawsuit Against ACT Could Open Up the Way to Future Litigation

A New Jersey high school student almost saw his college plans derailed when ACT threatened to invalidate his test scores. The student scored a composite score of 21 in June 2017, and a composite score of 26 in September 2017. The day after the deadline to respond to college admission offers, the student learned that the ACT had concerns about the validity of his scores. Facing the possibility that colleges could withdraw his admission offers, the student retook the test, earning a score close enough to his second score to convince ACT that he had not cheated. The student is now attending Penn State.

But the story does not end there. The student has sued ACT, challenging the timing of the notification of the questioned scores, the way the company determines who might have cheated, and perhaps most importantly, whether test-takers (usually 16- or 17-years-old) can legally be bound to the ACT's arbitration clause required for test retakes. If successful, the student's lawsuit could create a path to other legal challenges that are not currently possible with these arbitration agreements.

Read more [here](#).

Supreme Court May Decide Whether the Equal Pay Act Allows Employers to Consider Prior Salary in Setting Current Salary

The Supreme Court recently announced it will, for the third time, consider a petition for review of the Ninth Circuit's decision in *Rizo v. Yovino*, which signals that the Court may take up the case. In *Rizo v. Yovino*, the U.S. Court of Appeals for the Ninth Circuit ruled that taking

employees' past compensation into account—either alone or in combination with other factors—is forbidden when determining their current pay.

Should the Supreme Court agree to hear the *Rizo* appeal, the Court's ruling would offer some much-needed clarity for the various and conflicting opinions of the federal appeals courts on this issue.

Read more [here](#).

From the Lighter Side: Flame Grilled Fiasco

An Oregon man, Curtis Brooner, found himself locked in a Burger King bathroom for approximately an hour while employees allegedly laughed at his predicament outside the door. Bruner was eventually freed by a locksmith and claims that to atone for the unfortunate situation the manager of the restaurant promised him “free food for life.” This sweet deal soured several weeks later when the patron claimed that Burger King backed out of providing the compensatory eats. Not willing to go down without a fight, Bruner obtained counsel and filed suit. He seeks slightly more than \$9,000.00, which is not a random amount but rather the cost of a \$7.89 Whopper Meal for the remainder of his life. Being eminently reasonable, Bruner subtracted 5 years from his anticipated lifespan to account for the weekly ingestion of Whoppers.

Firm News

Sniffen & Spellman, P.A. has been named a Tier 1 firm in Tallahassee in three practice areas by *U.S. News-Best Lawyers*® “Best Law Firms” in 2019: Employment Law-Management, Labor Law-Management, and Litigation-Labor and Employment.

Jeffrey D. Slanker presented at the Florida Association of Self Insureds (FASI) Conference in Lake Mary, Florida on Recent Developments and Trending Issues in Labor and Employment Law.

Matthew J. Carson has been appointed to the Judicial Nominating Commission for the Second Judicial Circuit.

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.