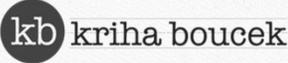


Adam Henningsen  
Stephanie Richards



**TITLE IX: Responding to  
Discrimination on the Basis of Sex in  
K-12 School Systems**

December 10, 2025

kb kriha boucek

**Oakbrook Office**  
1801 S. Meyers Rd. Suite 120  
Oakbrook Terrace, IL 60181

**Edwardsville Office**  
204 Evergreen Lane, Suite A  
Glen Carbon, IL 62025

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**Title IX of the Education  
Amendments Act of  
1972**

**20 U.S.C. §1681**  
Signed on June 23, 1972

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**Title IX**

“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  
education program or activity receiving  
federal financial assistance.”

20 U.S.C. §1681(a)




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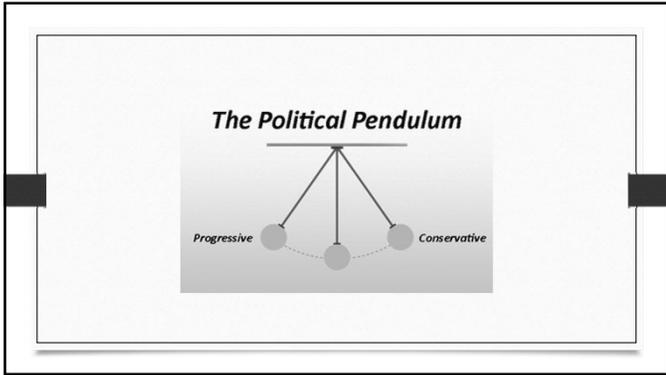
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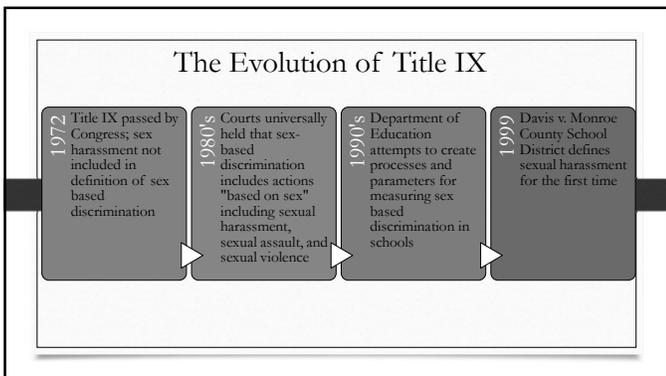
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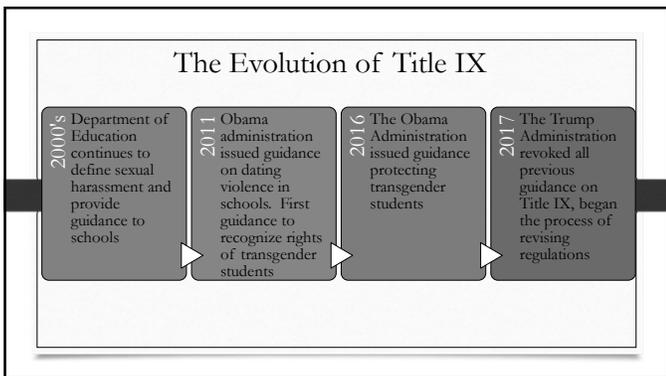
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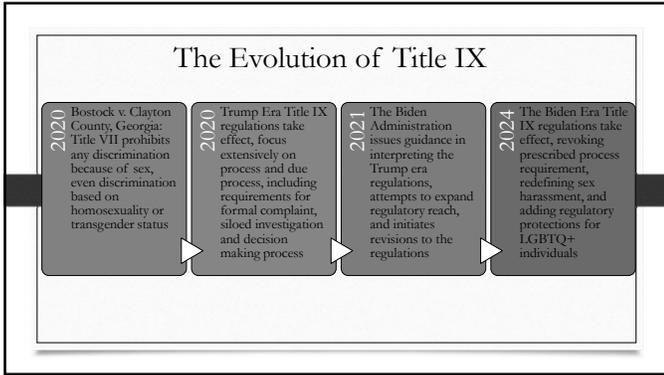
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### Current Status of the Law

- February 2025 - U.S. Department of Education announced that it will officially enforce the 2020 Title IX regulations, enacted during President Trump's first term.



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### Investigating and Responding to Complaints of Sex Discrimination



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**Board Policy 2:265**

- **Sexual Harassment Prohibited**
- A District employee or student, engages in Title IX Sexual Harassment when that person engages in conduct on the basis of an individual's sex that satisfies one or more of the following:
  - 1. A District employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct; or
  - 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's educational program or activity; or
  - 3. Sexual assault, dating violence, or domestic violence

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**Board Policy 2:265**

- **Examples of sexual harassment include:**
  - Unwanted touching / advances
  - sexual coercion / propositions
  - "Sexing" – jokes, pictures, teasing, spreading rumors

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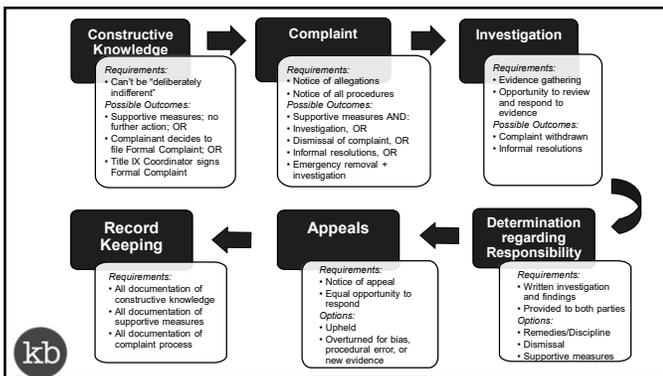
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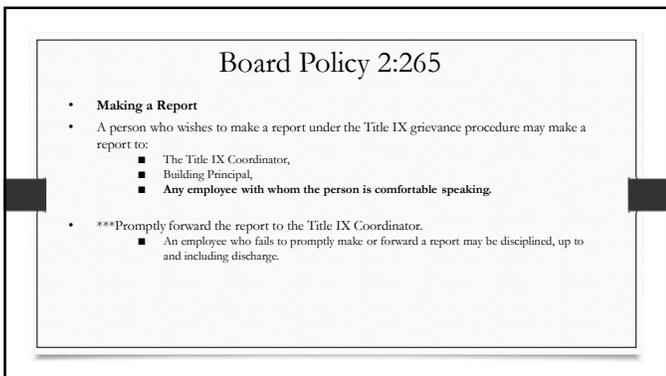
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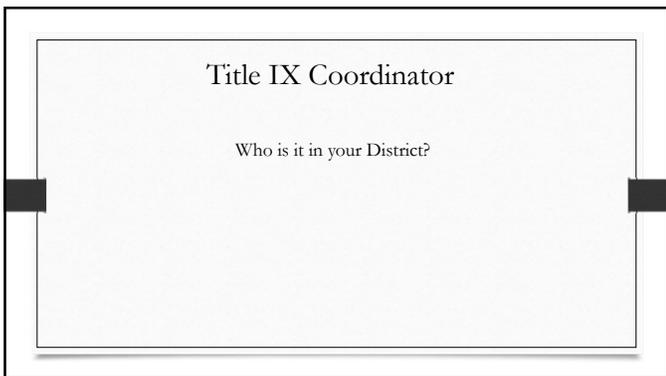
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### Board Policy 2:265

- Title IX Coordinator is responsible for reviewing the complaint and determining what steps need to be taken to address it.
- Immediate tasks include:
  - Contacting the Complainant
  - Discussing options for investigation and resolution
  - Considering the Complainant's wishes
  - Explaining to the Complainant the process for filing a Formal Title IX Sexual Harassment Complaint.

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### Informal Resolution Encouraged

- ✓ Can agree to informal prior to any complaint being filed
- ✗ Not available where the allegations include a staff/employee and a student
- ✗ Still requires agreement by both parties; still can be withdrawn at any time
- ✗ Facilitator of informal process cannot be the Title IX Coordinator, investigator, or decision-maker.



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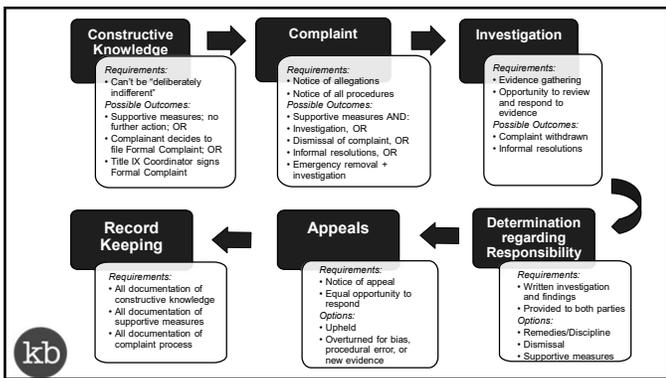
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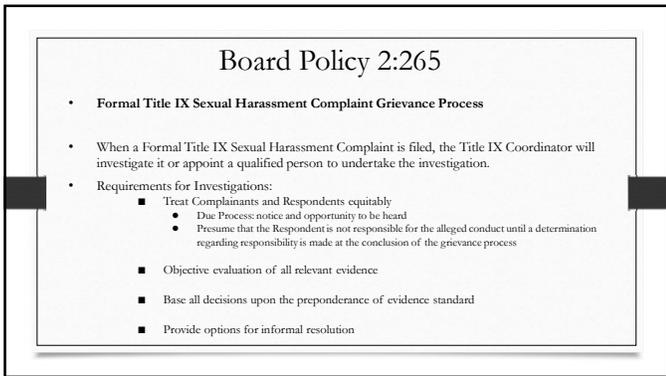
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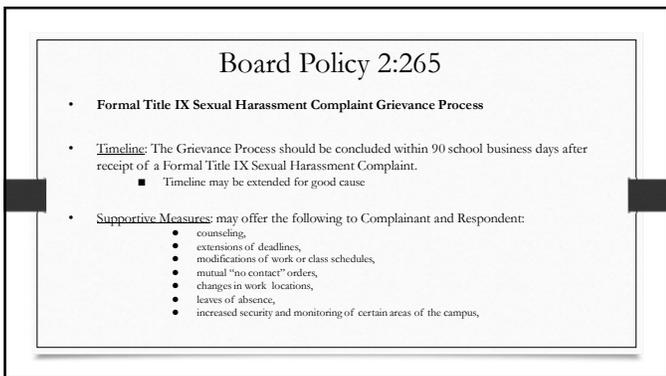
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**Board Policy 2:265**

- **Confidentiality**
- The District cannot promise complete confidentiality throughout the complaint investigation process
- Reports of alleged sexual harassment will be confidential *to the greatest extent practicable*, subject to the District's duty to investigate and maintain an educational program or activity that is productive, respectful, and free of sexual harassment.

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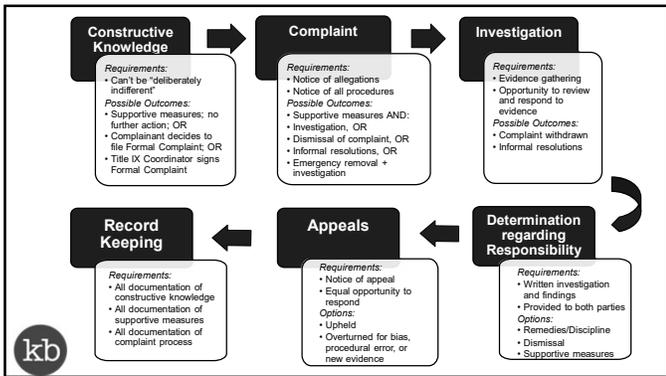
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**Determination Regarding Responsibility**

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**Board Policy 2:265**

- **Formal Title IX Sexual Harassment Complaint Grievance Process**
- Options at Conclusion of Investigation:
  - Dismissal of the Complaint
    - Conduct alleged would not constitute Title IX sexual harassment even if proved,
    - Complainant withdraws complaint,
    - The Respondent is no longer enrolled or employed by the District,
    - Specific circumstances prevent the District from gathering enough evidence to reach a determination
  - Informal Resolution (requires mutual consent of the parties)
  - Investigation Report
    - Summarizes complaint and all relevant evidence reviewed
    - Recommendation to decision maker

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**Board Policy 2:265**

- **Formal Title IX Sexual Harassment Complaint Grievance Process**
- Options at Conclusion of Investigation:
  - Investigation Report
    - Prepared by Title IX Coordinator or third-party investigator within established timeline
    - Summarizes complaint and all relevant evidence reviewed
      - Interviews
      - Documents
      - Video
    - Credibility determinations
    - Recommendation to decision maker

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**Board Policy 2:265**

- **Formal Title IX Sexual Harassment Complaint Grievance Process**
- Initial Decision Maker (Superintendent or designee)
  - Reviews all materials received from the Investigator
  - Provides the parties with opportunity to submit limited follow-up questions in writing
  - Issues a **written determination**
    - Findings and Conclusions
    - Right to Appeal

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**Board Policy 2:265**

- **Enforcement**
- Any District employee who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge.
- Any District student who is determined, at the conclusion of the grievance process, to have engaged in sexual harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with student behavior policies.

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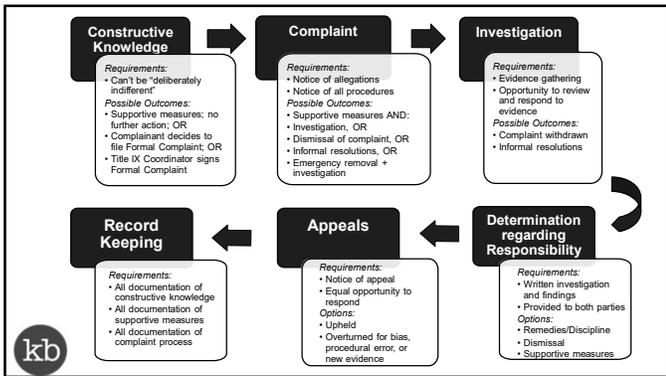
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**Appeal Procedure**

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**Board Policy 2:265**

- **Formal Title IX Sexual Harassment Complaint Grievance Process**
- Appeals
  - 10 school business days from dismissal or written determination
  - Appeals may be heard by the Board of Education or a designated appellate decision maker (cannot be the same person as the Initial Decision-Maker, the Investigator, or the Title IX Coordinator)

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**Record Keeping**

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**Record Keeping Requirements**

- Title IX Coordinator creates and maintains, for a period of at least seven years, records of any actions and supportive measures taken and provided in response to the report of sexual harassment, regardless of whether a Formal Title IX Sexual Harassment Complaint was filed. 34 C.F.R. §106.45(b)(1)(ii).
- Ensures that records document:
  - X Why the District's response to the sexual harassment allegation was not deliberately indifferent, e.g., was appropriate;
  - X The supportive measures the District offered to restore or preserve equal access to its education program or activity; and
  - X If the District did not provide Complainant with supportive measures, why not providing them was clearly reasonable in light of the circumstances.

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**An Educator's Role in Preventing Sexual Harassment**

- Do not ignore what you see or hear
- See something - say something - tell Title IX Coordinator
- If abuse or neglect - BCPS / law enforcement



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Hypotheticals

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**Remember the Definitions**

- **Sexual Harassment:**
- **Solicitation / Proposition:** conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct
- **Unwelcome conduct:** So severe, pervasive, and objectively offensive that it effectively denies a person equal access to program or activity
- **Sexual assault:** battery; dating violence; domestic violence

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### Discussion Hypothetical #1:

- The school has a new teacher. They are young and attractive. A group of teachers in the teacher's lounge are seen sitting together and staring at the new teacher during lunch for several days in a row. A few weeks into the school year, some of the teachers are heard making whistling noises at the new teacher. Later in the school year, the teacher begins to receive unsolicited text messages from a couple of older teachers asking about her weekend plans. The teacher then begins receiving anonymous gifts in her classroom.
- Concerns?
- Title IX violation?

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### Discussion Hypothetical #2:

- The community has organized a gay-pride event. Several students and staff members attend. The next day at school, students hear fellow classmates mocking their attendance at the event and making anti-gay and ant-trans comments. A teacher hears these comments being made in their classroom and does not report it to anyone or stop the behavior. The next day, a community member files a complaint alleging wide-spread harassment in the school and names the teacher as someone involved.
- Concerns?
- Title IX violation?

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### Discussion Hypothetical #3:

- Students are on an overnight trip for a school activity. You are chaperoning the trip. The first night, the whole team goes to a movie and then returns to the hotel. Students are required to be back in their own rooms by 10:00 PM. The next morning at team breakfast, students are whispering and you notice two students are late for breakfast. Each of them arrive on their own, about 20 minutes later. You notice later that day that they are avoiding one another and one of them seems emotional and upset. Another student on your team reports to you later that day that their roommate left their room for several hours last night.
- What do you do?

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**Group Poll: Scenarios 1-3**

- 1. Student A offers to name Student B the Vice President of the Chess Club if Student B kisses Student A.  
X Is this sexual harassment under Title IX?
- 2. Teacher A offers Student B extra credit if the student buys the teacher groceries.  
X Is this sexual harassment under Title IX?
- 3. Coach A suggests Student Player B wear tight clothes to school and to practice because it will "help with the student's future prospects."  
X Is this sexual harassment under Title IX?

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**Group Poll: Scenarios 1-3**

- **Scenario #1: Student A offers to name Student B the Vice President of the Chess Club if Student B kisses Student A.**  
X This may be evidence of sexual harassment under Title IX and warrants more questions to determine if there was additional sex-based behavior from Student A towards Student B.
- X Even if this action does not rise to the level of a Title IX violation, it may be a violation of the Board Policy prohibiting sexual harassment.

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**Group Poll: Scenarios 1-3**

- **Scenario #2: Teacher A offers Student B extra credit if the student buys the teacher groceries.**
- Under these facts alone, this is not enough to demonstrate sexual harassment because this alleged behavior is not "on the basis of sex."
- Similarly, this behavior, by itself, is not enough to demonstrate a hostile environment because it is not based on sex nor is it conduct of a sexual nature.
- The teacher's behavior may be addressed as unprofessional and/or inappropriate conduct based on the Board Policy regarding Professional Standards or the Code of Ethics
- X **PRACTICE TIP:** The administrator fielding this allegation must ask questions to understand the full context of the matter.

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**Group Poll: Scenarios 1-3**

- **Scenario #3: Coach A suggests Student Player B wear tight clothes to school and to practice because it will “help with the student’s future prospects.”**
- This is likely an example of “quid pro quo” harassment. The conditioning behavior need not be explicit. The conditioning behavior can be implied.
- May be unprofessional or inappropriate conduct under Professional Standards Policy or Code of Ethics
  - Question: Must the evidence demonstrate the conditioning behavior is “unwelcome” to the Complainant?
    - The Title IX definition describes an employee who “conditions” the provision of an aid, benefit, or service of the recipient on an individual’s participation in the unwelcome sexual conduct. Prior legal analysis of “quid pro quo” indicates that “going along” with the condition does not necessarily mean it was welcome. Analyze on a case-by-case basis.

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**ACCOMMODATING  
TRANSGENDER,  
NONBINARY, OR GENDER  
NONCONFORMING  
STUDENTS**



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**School Bullying of LGBTQI+ Students**

- **86% of LGBTQI+ students experienced bullying and harassment during school**
- **LGB Students**
  - 34% were bullied on school property and 28% were bullied electronically
  - 10% were threatened or injured with a weapon on school property
  - 23% who had dated or went out with someone during the 12 months before the survey had experienced sexual dating violence
  - 18% of had experienced physical dating violence
  - 18% had been forced to have sexual intercourse at some point in their lives
- **Transgender Students**
  - 80% had been verbally harassed at school
  - 25% had been physically harassed at school
  - 12% had been physically assaulted
  - 12% had been sexually assaulted
  - ~20% withdrew from school altogether
- **Data from Youth Risk Behavior Survey**

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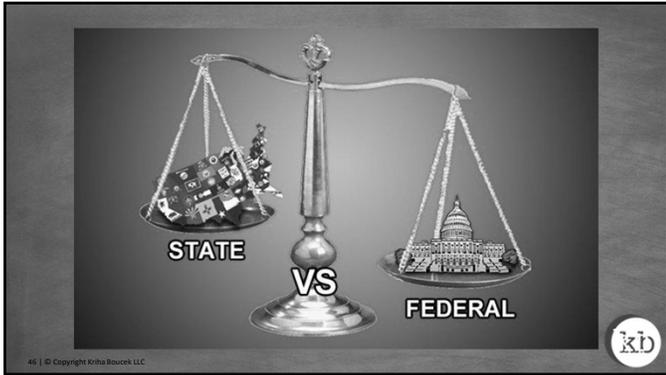
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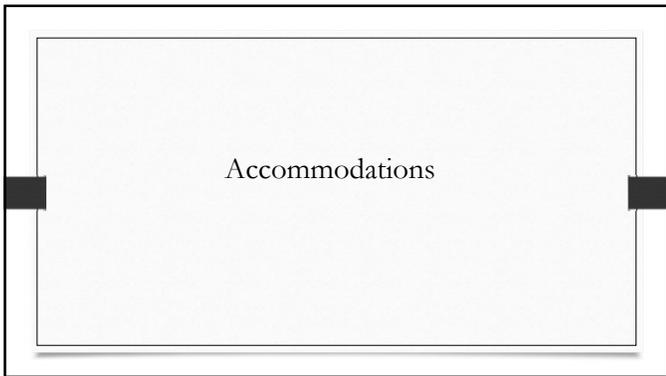
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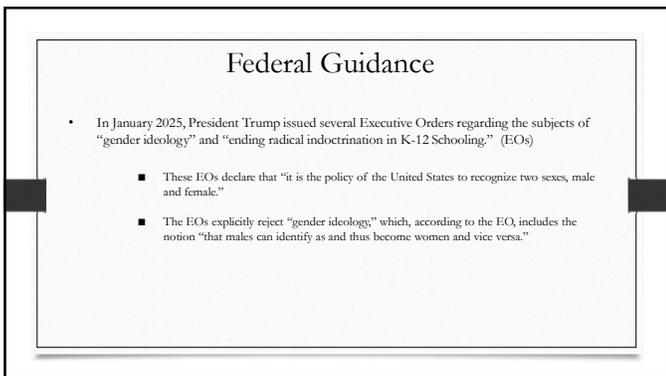
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**Federal Guidance**

- The Executive Orders aim to eliminate gender ideology from K-12 curriculum, instruction, and activities.
- They direct attorneys general and law enforcement personnel to "file appropriate actions against K-12 officials who violate the law by," among other things, "unlawfully facilitating the social transition of a minor student."
  - X Social transition is defined as "the process of adopting a 'gender identity' or 'gender marker' that differs from a person's sex," including, "the use of intimate facilities and accommodations such as bathrooms or locker rooms specifically designated for persons of the opposite sex."

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**Federal Guidance**

- *U.S. v. Skrametti*, 605 U.S. 495 (June 18, 2025)
- The Supreme Court upheld Tennessee's ban on puberty blockers and hormone therapy for transgender minors.
- The law is subject to **rational basis review**: the law does not violate equal protection if there are "plausible reasons" for the government's policy.
- "Tennessee concluded that there is an ongoing debate among medical experts regarding the risks and benefits associated with administering puberty blockers and hormones to treat gender dysphoria, gender identity disorder, and gender incongruence."
- The Tennessee law's "ban on such treatments responds directly to that uncertainty."

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**Federal Guidance**

- The *Skrametti* decision does not directly impact schools, however...
- The U.S. Department of Education cited *Skrametti* in several recent press releases
- July 25 press release: 5 Virginia school districts in violation of Title IX for policies that "allow students to access intimate, sex-segregated facilities based on the students' subjective 'gender identity.'"
- Cite *Skrametti* as acknowledging that a person's identification as "transgender" is distinct from a person's "biological sex."

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**Illinois Human Rights Act and ISBE Guidance**

- In contrast to the recent federal guidance, the guidance and authority at the state level continues to favor supporting gender nonconforming students in various ways, including allowing students to use the facilities that correspond with their gender identity.
  - The Illinois State Board of Education (ISBE) has published non-regulatory guidance that explicitly states that, “all students must be able to fully and equally access facilities in alignment with their gender identity.”
- This guidance is premised on the notion that the Illinois anti-discrimination law, the Illinois Human Rights Act (IHRA), expressly guarantees “the full and equal enjoyment of . . . facilities” which means that transgender, nonbinary, and gender nonconforming students have the right to use a school’s physical facilities consistent with their gender identity. 775 ILCS 5/1-102(A); 1-103(O1).

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**State Laws & Resources**

- **Illinois School Code**
  - Schools must provide equal opportunities in all education programs and services
    - 105 ILCS 5/10-20.12 and 23 Ill. Adm. Code 1.240
- **Illinois Human Rights Act**
  - Sexual orientation is the “actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity whether or not traditionally associated with the person’s designated sex at birth.”
- **Illinois Human Rights Commission**
  - July 2019: Lake Park 108 must allow transgender student full and equal access to locker room
  - October 2019: Komarek School District 94 must allow transgender boy access to boys’ bathroom

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*Whitaker v. Kenosha Unified School District (2017)*

- The Seventh Circuit issued a decision establishing that transgender students have a right to be treated in accordance with their gender identity at school under both Title IX and the Constitution. This included the right to use the appropriate school facilities, like the boys’ bathroom, which the court found a transgender student was entitled to, based on the student’s gender identity.

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*A.C. by M.C. v. Metro. Sch. Dist. of Martinsville (2023)*

- Transgender students denied access to the boys' bathroom and boys' locker room.
- Students were told they could only use the girls' bathroom and locker room or unisex bathroom in the school's health office
- The students sued the school district alleging sex discrimination in violation of Title IX and the Equal Protection Clause of the Fourteenth Amendment.
- Court granted preliminary injunctions in favor of the students
- The Seventh Circuit found that the school district's policy denying the student's request was likely discriminatory

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*A.C. continued*

- In its opinion, the Seventh Circuit acknowledged that federal appellate courts in other circuits are "split" on these issues.
- Because of this, it is likely that issues concerning transgender students are ripe for review by the U.S. Supreme Court at some point in the future.
- But for now, the law in the Seventh Circuit is clear: denying access to gender-affirming facilities, like bathrooms, can violate Title IX and the Equal Protection Clause.

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Changes may be coming

- Based on the *Sherrett* decision, the Seventh Circuit Court of Appeals is reconsidering its prior decisions that had established a legal right for transgender students to access bathrooms consistent with gender identity.
- A rehearing was ordered for both *Whitaker* and *A.C.*
- Seventh Circuit has not issued a decision yet, but a decision could come soon.

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**Students**

**Administrative Procedure - Accommodating Transgender, Nonbinary, or Gender Nonconforming Students**

- Gender-Based Discrimination Prohibited
- Gender-Based Bullying and/or Harassment Prohibited
- Accommodations and Supports for Transgender, Nonbinary, or Gender Nonconforming Students

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**Common Needs for Transgender, Nonbinary, or Gender Nonconforming Students, Accommodations and Supports**

The goal of an accommodation is to allow a transgender, nonbinary, or gender nonconforming student to equally participate in educational and extracurricular opportunities. The right of transgender students to accommodations is generally found in legislation (HRA and Title IX) but has not been fully interpreted by the courts. Determining appropriate accommodations must be made on a case-by-case basis depending upon the needs expressed by the student.

The Superintendent may establish a gender support team that will identify accommodations for a specific student. Those accommodations may be documented in a gender support plan or other written document. The Board Attorney should be consulted and may be invited to be a member of the team.

This following list of possible accommodation considerations is not exhaustive, and each student's request must be managed on a case-by-case basis. A particular student may not be interested in an accommodation for each item listed. This area of law is rapidly evolving. **Seek the Board Attorney's advice concerning the scope and extent of accommodations.**

1. Gender transition
2. Names and gender pronouns
3. School student records  
For managing demographic information in the ISBE Student Information System, see [www.isbe.net/Documents/student\\_demographics.pdf](http://www.isbe.net/Documents/student_demographics.pdf)
4. ISBE is not required to collect student sex, sexual orientation, or gender identity data for its major programs, unless required for federal reporting. 20 ILCS 65/20-15(a-5), amended by P.A. 103-175 Student privacy and confidentiality
5. Access to gender-segregated areas, e.g., locker rooms and restrooms
6. Sports and physical education classes - participation in competitive athletic activities and contact sports is resolved pursuant to IHSA policy #34, Policy and School Recommendations for Transgender Participation at: [www.ihsa.org>About-the-IHSA-Constitution-By-laws-Policies](http://www.ihsa.org>About-the-IHSA-Constitution-By-laws-Policies)
7. Dress codes
8. Gender segregation in other activities, e.g., class discussions and field trips (including any overnight school trips)
9. Communication with a new school about gender-specific accommodations upon transfer or graduation

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**Sports Participation**

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**Federal Guidance**

- Executive Order: Keeping Men Out of Women's Sports – Feb. 5, 2025
- Directs Secretary of Education and Attorney General, to
  - X Take action to “protect all-female athletic opportunities and all-female locker rooms and thereby provide the equal opportunity guaranteed by Title IX” and “bring regulations and policy guidance into line with the Congress’ existing demand for ‘equal athletic opportunity for members of both sexes’ by clearly specifying and clarifying that women’s sports are reserved for women; and the resolution of pending litigation consistent with this policy;” and
  - X Prioritize Title IX enforcement actions against educational institutions (including athletic associations composed of or governed by such institutions) that deny female students an equal opportunity to participate in sports and athletic events by requiring them, in the women’s category, to compete with or against or to appear unclothed before males.”

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**Federal Guidance**

- **SCOTUS WILL DECIDE NEXT TERM: Whether state laws banning biological male participation on female sports teams violate Equal Protection or Title IX**
- *Little v. Heavox*, 104 F.4th 1061 (9th Cir. 2024)
  - X Does the ID state law that “seeks to protect women’s and girls’ sports by limiting participation to women and girls based on sex” violate the Equal Protection Clause?
- *West Virginia v. B.P.J.*, 98 F.4th 542 (4th Cir. 2024)
  - X May a state designate girls’ and boys’ sports teams based on biological sex determined at birth under Title IX? Equal Protection?

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**Federal Guidance**

- Other Pending Cases – Athletics Participation
- *Tirrell v. Edelblut* (D.N.H. filed 8/16/24)
  - X Transgender athletes in New Hampshire challenge the state’s transgender sports ban. After the EOs, they added claims against the Department of Education and the Administration, asserting constitutional violations and other claims.
- *U.S.A. v. Maine Department of Education* (D. Me. filed 4/16/25)
  - X The U.S. DOJ sues the Maine Dept. of Education alleging open and defiant violation of Title IX and Title IX contractual assurances, and seeks declaratory, injunctive, and damages relief to prevent Maine from defying their orders regarding transgender athletes.
- *California v. U.S. Dept. of Justice* (N.D. Cal. filed 6/10/2025)
  - X CA alleges that the DOJ demand for every school district in CA to certify its noncompliance with the gender-identity athletics participation rule, which is consistent with state law, violates the Spending Clause, is ultra vires, and exceeds the Government’s authority.

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**STATE GUIDANCE**

The Illinois High School Association (IHSA) has taken a leading role by implementing its own policy and review process to address the participation of transgender students in all IHSA state series events.



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**Procedure:**  
 Students wishing to participate in gender specific state series athletic events or activities who have a gender identity different from the sex assigned to the student at birth shall receive an eligibility ruling from the IHSA prior to participation in a state series event aligned with their gender identity.

Schools shall notify all students who wish to participate in state series athletic events or activities that any student who wishes to participate in gender specific state series athletic events or activities under a gender identity different from the sex assigned to the student at birth shall be required to obtain an eligibility ruling from the IHSA prior to participation.

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**Best Practices**

- Tension between the directives from the federal government and the state of Illinois
  - Facility usage
  - Curriculum
  - Sports participation
- There is no perfect solution for harmonizing the contradictory federal and state directives.
  - A plaintiff or group on either side of the political aisle might challenge a District's response under state or federal law.
- In our view, an appropriate balance is obtained by implementing the updated PRESS policies, while continuing to address each unique situation at it arises with the guidance of legal counsel

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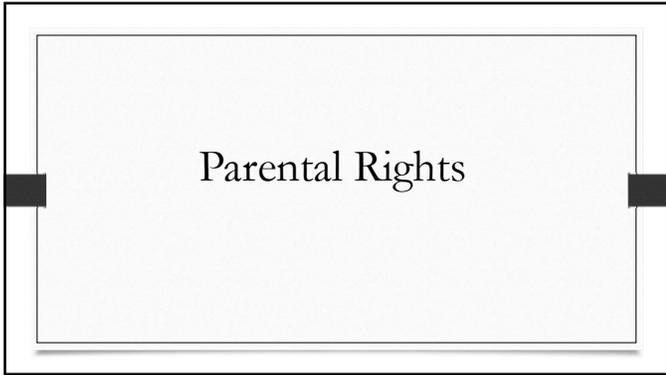
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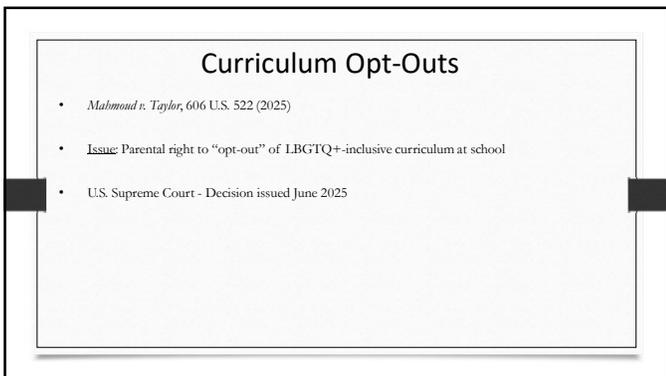
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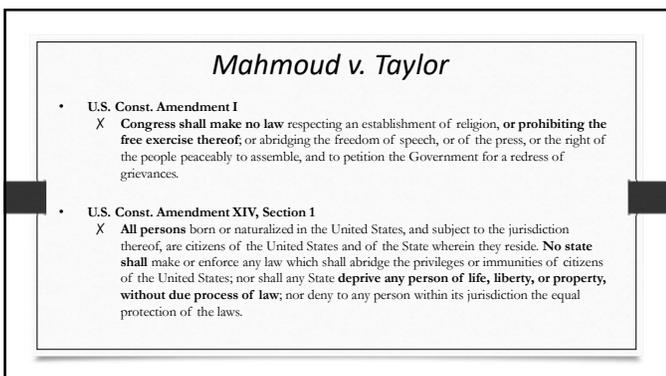
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*Mahmoud v. Taylor*

- Parents from diverse religious backgrounds sued the Montgomery County, Maryland Public Schools over the school district's refusal to allow opt-outs from lessons where "LGBTQ+-inclusive" stories were presented.
- They asserted a Free Exercise, Free Speech (1A) and Due Process (14A) right to notice and the opportunity to opt out "of classroom instruction on such sensitive religious and ideological issues."
- Parents asked a federal court to issue an injunction to require the district to provide such notice and an opt-out option.
  - X The district court denied their motion and the parents filed an appeal.
  - X The Court of Appeals for the 4th Circuit affirmed.

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*Mahmoud v. Taylor*

- The parents maintained that the district's inclusion of the books was **designed to promote and instill certain beliefs, not merely to expose** students to LGBTQ+ people to encourage tolerance and respect, but to promote a certain mindset contrary to their religion-based teachings at home.
- **District classroom guide**
  - X If a student says two men cannot get married, suggested response: "When people are adults they can get married. Two men who love each other can decide they want to get married."
  - X If a student says a character "can't be a boy if he was born a girl," suggested response: "That comment is hurtful."
  - X If a student asks "[w]hat's transgender?", suggested response: "When we're born, people make a guess about our gender and label us 'boy' or 'girl' based on our body parts. Sometimes they're right and sometimes they're wrong."
  - X "Disrupt the either/or thinking."

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*Mahmoud v. Taylor*

- Parents petitioned the Supreme Court to answer:
- Do public schools **burden parents' religious exercise** when they compel elementary school children to participate in instruction on gender and sexuality against their parents' religious convictions and without notice or opportunity to opt out?

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### Mahmoud v. Taylor

- AASA-NSAA Amicus Brief
  - X Courts have consistently and properly recognized that States have broad discretion to control conduct and curriculum in their public schools.
  - X States that have provided notice and opt out rights for parents typically balance honoring parents' opt out rights and allowing teachers, schools, and school boards to use their professional judgment for student instruction.
  - X Mandating notice and opt out rights without demonstrating coercive effect risks drastically increasing burden on schools.
  - X Lowering the standard for parents to establish a Free Exercise claim could have widespread and undesirable consequences for schools.

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### Mahmoud v. Taylor

- 6-3 opinion authored by Justice Samuel Alito:
  - **"A government burdens the religious exercise of parents when it requires them to submit their children to instruction that poses 'a very real threat of undermining' the religious beliefs and practices that the parents wish to instill."**
  - When a district's curricular choices substantially interfere with parents' religious upbringing of their children, the district owes parents a duty of reasonable accommodation – an opt-out, in this case - which cannot be denied absent a compelling justification that wasn't shown here.
  - The school district in this case must notify the parents in advance whenever one of the books or any similar book was going to be used.

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### Mahmoud v. Taylor

- Justice Sotomayor, joined Kagan and Jackson, filed a vigorous dissenting opinion citing the NSAA-AASA brief.
  - "As one group of amici representing over 10,000 school district leaders and advocates ... attests, however, 'it would be an extreme and overly broad burden to force all school districts in the country' to provide the extensive notification regime that the majority's test would require.... Such a regime, amici warn, would force school administrators and teachers 'to divert their already limited resources and time to ensure full compliance' with these new 'parental notification rights.'"
  - "Managing opt outs will impose even greater administrative burdens. At present, the vast majority of States that allow parents to opt students out of instruction limit that right to a specific course or single curricular unit, rather than permitting opt outs for certain themes or particular materials. .... That approach ensures that opt outs can be 'administered centrally' in a way that 'reduce[s] the burden on teachers and principals' and 'minimizes interruption o[f] classroom instruction for other students.'"

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### Mahmoud v. Taylor

- Implications for Schools and The Law:
  - X The Court did not limit what curricular materials a school district can choose to include, what messages it chooses to convey, or what events it chooses to have.
  - X State law still dictates when notice/opt-outs are required from curricular materials in many situations.
  - X *Mahmoud v. Taylor* broadened the circumstances under which parents will be able to show a burden on religious beliefs under the Constitution.

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### Parental Input

- *Littlejohn v. School Board of Leon County*, No. 23-10385 (11th Cir. 2025)
- **Issue:** Parental right to be notified regarding school meetings and accommodations related to child's gender identity
- 11<sup>th</sup> Circuit - Decision issued June 2025
- Petition for US Supreme Court to review pending

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### Littlejohn v. School Board of Leon County

- The plaintiffs, January and Jeffrey Littlejohn, allege that the Leon County School Board and its officials violated their parental due-process rights.
- The dispute arose when school officials met with the Littlejohns' thirteen-year-old child to discuss the child's gender identity and developed a "Student Support Plan" without involving the parents, contrary to their wishes.
- The school officials acted in compliance with the Board's guidelines, which did not require parental notification if the child did not request it.

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**Littlejohn v. School Board of Leon County**

- The United States District Court for the Northern District of Florida dismissed the Littlejohns' claims.
  - X The court concluded that the school officials' actions did not "shock the conscience" and thus did not violate the Littlejohns' substantive due-process rights.
- The United States Court of Appeals for the Eleventh Circuit reviewed the case and affirmed the district court's decision.
  - X The appellate court held that the actions of the school officials were executive, not legislative, in nature. Therefore, the appropriate standard was whether the officials' conduct "shocked the conscience." The court concluded that the school officials' actions did not meet this standard as a matter of law.
  - X The court emphasized that the officials did not act with intent to injure and sought to help the child, even if their actions were contrary to the parents' wishes.

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**Littlejohn v. School Board of Leon County**

- Stay Tuned....
  - X Plaintiffs have petitioned the U.S. Supreme Court to review the case
  - X The Court is expected to make a decision during the next term

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**kb kriha boucek**

**Questions?**





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