Updated: June 6, 2013

U.S. SUPREME COURT AMICUS CASES – MERITS – 2012-2013 TERM

Case Name	Won	Loss	Other	Issue	Comment
University of Texas Southwestern Medical Center v. Nassar (**pending**)				Title VII - does Title VII's retaliation provision and similarly worded statutes require a plaintiff to prove but-for causation—that an employer would not have taken an adverse employment action but for an improper motive—or instead require only proof that the employer had a mixed motive—that an improper motive was one of multiple reasons for the employment action	Oral argument heard April 24, 2013
Fisher v. University of Texas at Austin (**pending**)				Equal Protection – does Court's decisions interpreting the Equal Protection Clause of the Fourth Amendment, including *Grutter v. Bollinger*, 539 U.S. 306, 71 U.S.L.W. 1788 (2003), permit the University of Texas at Austin's use of race in undergraduate admissions decisions	Oral argument heard October 10, 2012

U.S. SUPREME COURT AMICUS CASES – CERTIORARI PETITION - 2011-2012 TERM

Case Name	Won	Lost	Other	Issue	Comment
Jefferson Cnty Sch, Dist. R-1 v. Elizabeth E.				IDEA: Medical care - unilateral placement of student receiving special education services in mental health facility - reimbursement when placement is primarily for education purposes	Amicus brief filed April 25, 2013

U.S. COURTS OF APPEALS AMICUS CASES – 2012-2013

Case Name	Won	Lost	Other	Issue	Comment
C.L. v. Scarsdale Union Free Sch. Dist. (2d Cir. **pending**)				IDEA: Whether courts must consider IDEA's least restrictive environment requirement when determining if a parent's unilateral placement of their child in private school is appropriate for purposes of granting tuition reimbursement under IDEA	Amicus brief filed March 15, 2013
Long v, Murray Cnty. Sch. Dist. (11th Cir. **pending**)				Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act: Whether summary judgment was properly granted on the claim of disability discrimination under Section 504 and the ADA based on the district court‘s finding that the school district was not deliberately indifferent as a matter of law to the alleged peer harassment	Amicus brief filed November 28, 2012
D.L. v. Baltimore Cnty. Bd. Sch. Commissioners (4th Cir)	X			Section 504 of the Rehabilitation Act of 1973 - Whether disabled student enrolled in private school is entitled to services under Section 504 on the same basis as a disabled student enrolled in public school	Decided January 16, 2013 – Unanimous Fourth Circuit panel held that a disabled student unilaterally placed in a private school is not entitled to special education services under Section 504 of the Rehabilitation Act (Section 504). It concluded that the administrative guidance, statutory purpose, case law, and policy considerations compel our holding that [the student] is not entitled to Section 504 services if he remains enrolled at a private institution.” The panel also held that the school district’s requirement that private school students must cease enrollment in private religious institutions and enroll in public school in order to avail themselves of Section 504 services is not unconstitutional.

U.S. COURTS OF APPEALS AMICUS CASES – 2012-2013 CONTINUED

Case Name	Won	Lost	Other	Issue	Comment
Jefferson Cnty Sch, Dist. R-1 v. Elizabeth E. (10th Cir.)		X		IDEA - medical care - unilateral placement of student receiving special education services in mental health facility - reimbursement when placement is primarily for education purposes	Decided December 28, 2012 – Unanimous Tenth Circuit panel held that the parents of a special education student, who her parents unilaterally placed in a private treatment facility, were entitled to reimbursement for tuition expenses under the Individuals with Disabilities Education Act (IDEA). Although all three judges agreed that regardless of the test applied to reach that conclusion the parents would still prevail on the facts, one judge filed a concurring opinion stressing that the private placement must provide a meaningful educational benefit, and not merely meet the student's "unique needs," in order to qualify for reimbursement under the IDEA.
Hispanic Interest Coalition of Alabama v. Bentley (11th Cir.)	X			Fourteenth Amendment Equal Protection Clause – Alabama immigration law's requirement that school officials verify students' immigration status and report undocumented students is unconstitutional under Plyler v. Doe	Decided August 20, 2012 – An Eleventh Circuit panel held that the section of Alabama's immigration law ("Section 28") requiring public schools to verify, and collect data on, the citizenship and immigration status of enrolling students violates the Equal Protection Clause. The panel did not find Alabama's justifications substantial enough to justify the significant interference with the children's right to education under Plyler.

U.S. COURTS OF APPEALS AMICUS CASES – 2012-2013 CONTINUED

Case Name	Won	Lost	Other	Issue	Comment
R.K. v. Board of Educ. of Scott Cnty, Ky. (6th Cir.)	X			ADA/Section 504: Right of student receiving disability-related services to attend neighborhood school - financial burden on school district	Decided August 16, 2012 – A Sixth Circuit panel vacated a Kentucky federal district court's decision granting summary judgment to a school board, but affirmed summary judgment in favor of the district's superintendent, in a suit by a diabetic student claiming the board's refusal to allow him to attend his neighborhood school violated Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA), and the Fourteenth Amendment's Due Process and Equal Protection Clauses. The panel remanded the case to district court for further discovery of facts. The panel highlighted the *amicus* briefs of the federal government and the National School Boards Association (NSBA), stating that they pointed out that "the district court did not consider a wealth of law in this area and failed to apply the correct standards in analyzing whether the Board complied with [Section 504]."

STATE APPELLATE COURTS AMICUS CASES - 2012-2013

Case Name	Won	Lost	Other	Issue	Comment
Louisiana Federation of Teachers v. State of Louisiana	X			School voucher program: Louisiana private school voucher program part of national effort to divert public dollars from public education - without imposing accountability to harm of taxpayers	Decided May 7, 2013 - A six justice majority of the Louisiana Supreme Court, with one justice dissenting, has ruled that the state's means of funding its statewide private school voucher program (Act 2 and SCR 99) violates the state constitution. The court also found that SCR 99 was not validly introduced or enacted. It did, however, not find a violation of the state constitution's "one object" rule.
Niehaus v. Huppenthal (Ariz. App. Ct., Div. One **pending**)				Establishment Clause - prohibition on public funding of religious institutions: Whether Arizona's tuition-tax credit program violates the state constitutional provisions mandating separation of church and state and prohibiting the use of public funds to aid religious institutions, such as schools	
Abbeville County S.D. v. State (S.C. **pending**)				School Finance – state funding scheme – "minimally adequate education" standard	