

Updated: January 27, 2017

U.S. SUPREME COURT AMICUS CASES – MERITS – 2016-2017 TERM

Case Name	Won	Loss	Other	Issue	Comment
Gloucester County School Board v. G.G. (pending)				Equity & Discrimination: 1) If Auer is retained, should deference extend to an unpublished agency letter that, among other things, does not carry the force of law and was adopted in the context of the very dispute in which deference is sought; and 2) With or without deference to the agency, should ED/DOJ's specific interpretation of Title IX and 34 C.F.R. § 106.33 be given effect	Granted Review October 28, 2016
Andrew F. v. Douglas County School District Re-1 (pending)				Special Education & Disabilities: What is the level of educational benefit that school districts must confer on children with disabilities to provide them with the free appropriate public education guaranteed by IDEA	Argued January 11, 2017
Fry v. Napoleon County Schools (pending).				Special Education & Disabilities: Does the Handicapped Children's Protection Act of 1986, 20 U.S.C. §1415(l), require exhaustion in a suit, brought under the Americans with Disabilities Act and the Rehabilitation Act, that seeks damages—a remedy that is not available under the Individuals with Disabilities Education Act	Argued October 31, 2016

U.S. SUPREME COURT AMICUS CASES – CERTIORARI PETITION - 2016-2017 TERM

Case Name	Won	Lost	Other	Issue	Comment

U.S. COURTS OF APPEALS AMICUS CASES – 2016-2017

Case Name	Won	Lost	Other	Issue	Comment
M.L. v. Bowers (4th Cir. pending)				Special Education & Disabilities: Whether a school district must provide a student with religious/cultural instruction in order to satisfy IDEA's free appropriate public education requirement	Argued December 8, 2016 Court granted M.L.'s motion to place case in abeyance pending U.S. Supreme Court's decision in <i>Endrew F. v. Douglas County School District</i> on January 23, 2017
Salazar v. South San Antonio Independent School District (5th Cir. pending)				Equity & Discrimination: Whether a school district may be held liable under Title IX of the Education Amendments of 1972 for the sexual assault of a student by a school principal when the abuser was the only school official with actual knowledge of the wrongdoing	Amicus brief filed September 28, 2015
K.G. v. Irvine Unified School District (9th Cir. pending)				Special Education & Disabilities: IDEA - is a prevailing party entitled to "automatic attorneys' fees and costs or is a court required to consider the degree of success achieved by the "prevailing party" in determining the size and appropriateness of the award of attorneys' fees and costs	Argued August 1, 2016

STATE APPELLATE COURTS AMICUS CASES - 2016-2017

Case Name	Won	Lost	Other	Issue	Comment
Lopez v. Schwarz (Nev. 2016)			X	Privatization & Choice: Nevada Education Savings Accounts (ESA) Program - unconstitutional diverting of state funding intended for public education to private schools intended for to a free, public education - failure of state to meet its constitutional duty to provide free public education	Decided September 29, 2016 Nevada Supreme Court held: The Nevada Education Savings Accounts (ESA) program, also known as SB 302, does not violate Article 11, Section 2 of the Nevada Constitution, which requires the state legislature to provide for “a uniform system of common schools.” It also concluded that SB 302 does not run afoul of Article 11, Section 10, which prohibits the use of public funds for sectarian purposes. However, the state supreme court found that the use of funds appropriated in SB 515, for K-12 public education, to instead fund the ESA program violated the requirements of Article 11, Sections 2 and 6. Case remanded to lower court.