

ABBREVIATED U.S. SUPREME COURT CHART

U.S. SUPREME COURT 2015 TERM

Updated December 7, 2015

New filings=green font

Updates=red font

Amicus cases=yellow highlight

Scheduled for conference=green highlight

CASE/DOCKET NO. /DATE FILED	ISSUE(S)	STATUS
<i>Bell v. Itawamba Cty. Sch. Bd.</i> , 15-666, 11/17/15	Student Rights & Discipline: Can public schools, consistent with the First Amendment, discipline students for their off-campus speech, and if so, to what extent	<i>Legal Clips</i> Summary of Fifth Circuit <i>en banc</i> opinion available at http://legalclips.nsba.org/2015/08/24/fifth-circuit-sitting-en-banc-rules-mississippi-district-did-not-violate-students-first-amendment-rights-by-disciplining-him-for-off-campus-online-posting-of-rap-video-containing-threatening-langu/
<i>Colo. State Bd. of Educ. v. Taxpayers for Pub. Educ.</i> , 15-558, 10/28/15	Privatization & School Choice: Does requiring a state to categorically deny otherwise neutral and generally available public aid on the basis of religion violate the U.S. Constitution	Pending Consideration <i>Legal Clips</i> summary of Colorado Supreme Court decision available at http://legalclips.nsba.org/2015/07/06/colorado-supreme-court-strikes-down-districts-private-school-voucher-program-on-state-constitutional-grounds/

<i>Douglas Cty. Sch. Dist. v. Taxpayers for Pub. Educ.</i>, 15-557, 10/28/15	Privatization & School Choice: Can Colorado's Blaine Amendment, which the unrebutted record plainly demonstrates was born of religious bigotry, be used to force state and local governments to discriminate against religious institutions without violating the religion clauses of the First Amendment and the equal protection clause of the Fourteenth Amendment	Pending Consideration <i>Legal Clips</i> summary of Colorado Supreme Court decision available at http://legalclips.nsba.org/2015/07/06/colorado-supreme-court-strikes-down-districts-private-school-voucher-program-on-state-constitutional-grounds/
<i>Doyle v. Taxpayers for Pub. Educ.</i>, 15-556, 10/27/15	Privatization & School Choice: Does it violate the religious clauses or equal protection clauses of the U.S. Constitution to invalidate a generally-available and religiously-neutral student aid program simply because the program affords students the choice of attending religious schools	Pending Consideration <i>Legal Clips</i> summary of Colorado Supreme Court decision available at http://legalclips.nsba.org/2015/07/06/colorado-supreme-court-strikes-down-districts-private-school-voucher-program-on-state-constitutional-grounds/
<i>Kucera v. Jefferson Cty. Sch. Bd. of Comm'rs</i>, 15-553, 10/26/15	Employment & Labor/Religion: Did the Jefferson County Board of School Commissioners violate the establishment clause of the First Amendment when it delegated the management, control and operation of its public "alternative school" to a religious institution	Pending Consideration <i>Legal Clips</i> summary of Sixth Circuit panel decision available at http://legalclips.nsba.org/2015/06/30/sixth-circuit-rules-that-tennessee-district-did-not-violate-first-amendments-establishment-clause-by-contracting-with-private-religious-school-to-provide-alternative-school-program/
<i>Doe v. Rosa</i>, 15-532, 10/22/15	Legal System: (1) Do deliberate decisions by state actors constitute affirmative conduct to support a claim under 42 U.S.C. §1983 that the state actor created the danger or substantially increased the risk of private violence to an individual in deprivation of the individual's 14th Amendment substantive due process rights? (2) Must an individual injured by private violence that is created by a state actor be a known victim to the state actor or is the state actor liable where the individual is part of a readily definable group at risk	Pending Consideration

Ivy v. Williams , 15-486, 10/14/15	Special Education & Disabilities: Did the U.S. Court of Appeals for the Fifth Circuit err in deciding that the relationship between public and private actors does not invoke dual obligations to accommodate in any context other than an express contractual relationship between a public entity and its private vendor	Pending Consideration
Fry v. Napoleon Cmty. Sch. , 15-497, 10/15/15	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	Pending Consideration
Petrella v. Brownback , 15-398, 9/28/15	Finance: Can a state, consistent with the First Amendment and the equal protection and due process clauses of the 14th Amendment, adopt an education spending cap limiting the total amount of money that local public school districts may spend on education, in order to prevent parents and citizens from voluntarily increasing local funding to improve their children's access to knowledge	Review Denied 12/7/15
Schott v. Wenk , 15-54, 7/10/15	Legal System: (1) Does the decision of the U.S. Court of Appeals for the Sixth Circuit, which subjects mandatory reporters of child abuse and neglect to liability under the Civil Rights Act of 1871, 42 U.S.C. §1983, for reporting suspected abuse or neglect when the alleged abuser engages in a constitutionally protected activity—even when (a) there is a reasonable basis to suspect abuse and (b) the report is not materially false—impermissibly chill child abuse reporting across the nation; (2) Can a First Amendment retaliation claim be maintained under Section 1983 against a statutorily mandated reporter of known or suspected child abuse when there is evidence in the record that would support a reasonable basis to suspect abuse and the report is not materially false; (3) Is a statutorily mandated reporter of known or suspected child abuse entitled to qualified immunity from liability under Section 1983 when there is evidence in the record to support a reasonable basis to suspect abuse and the report is not materially false	Pending Consideration NSBA's amicus brief is available at http://www.nsba.org/sites/default/files/reports/NSBA%20Brief-15-54-%20Schott_Wenk.pdf
Fisher v. University of Texas at Austin , 14-981, 2/10/15	Equity & Discrimination: Can the Fifth Circuit's re-endorsement of the University of Texas at Austin's use of racial preferences in undergraduate admissions decisions be sustained under this court's decisions interpreting the equal protection clause of the 14th Amendment, including <i>Fisher v. Univ. of Texas at Austin</i>	Oral Argument 12/9/15 <i>Legal Clips</i> summary of Fifth Circuit panel decision on remand from U.S. Supreme Court available at http://legalclips.nsba.org/2014/07/24/fifth-circuit-panel-upholds-university-of-texas-race-conscious-admissions-policy/ NSBA's amicus brief is available at https://cdn-files.nsba.org/s3fs-public/reports/Fisher%20v%20%20UTA%20-%20NSBA%20Amicus%202015.pdf?mhaccc5FEZ49NAhc401P.q84cOn26oNJ

<i>Friedrichs v. Cal. Teachers Ass'n</i> , 14-915, 1/26/15	Employment & Labor: (1) Should <i>Abood v. Detroit Bd. of Educ.</i> , 431 U.S. 209 (1977) be overruled and public-sector "agency shop" arrangements invalidated under the First Amendment; (2) Does it violate the First Amendment to require that public employees affirmatively object to subsidizing nonchargeable speech by public-sector unions, rather than requiring that employees affirmatively consent to subsidizing such speech	Oral Argument 1/11/16
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