

# COURT REPORT

August 2026



## Eleventh Circuit Court of Appeals

### Title IX & Section 1983 - Sexual Harassment

***Jane Doe v. Fulton County Schools*, 2026 WL 2453667 (11th Cir. August 21, 2026)**

This case involves a middle school student at a charter school in Georgia who was sexually harassed by her science teacher. The teacher had previously resigned and served a two-year suspension of his teaching certificate over allegations of sexual misconduct with minor female students at another school system. The principal who hired the teacher had reviewed his teaching certificate and criminal history but did not contact his prior employer, seek additional information from the state certification agency, or review the underlying records concerning the suspension. Instead, the principal accepted the teacher's claim that the accusations were fabricated and hired him anyway. After his hiring, a subsequent principal received multiple reports over time that the teacher had inappropriately touched female students and groped a fellow female teacher but minimal action was taken.

Upon receiving a direct report that the teacher had touched and cornered another student, a different principal took corrective action, including reprimanding and placing the teacher on probation and assigning the student a trusted adult contact. The student later withdrew from the school, and the teacher ultimately pleaded guilty to molesting her and raping another student. The student who was sexually harassed sued the school under Title IX for deliberate indifference and sued all three principals individually under 42 U.S.C. §1983 for violating her equal protection rights. The trial court granted summary judgment for the school system on all claims, finding the school lacked actual notice of the teacher's misconduct toward students.

On appeal, the Eleventh Circuit reversed in part. On the Title IX claim, the Court held that a reasonable jury could find the school, through multiple principals, was on actual notice both at the time of hiring (given the hiring principal's knowledge that multiple minor students at the teacher's previous employer had made sexual allegations resulting in his formal suspension) and during the teacher's employment, based on the accumulation of reports about inappropriate touching and comments toward students and a colleague. Notably, the final decision-making authority over teacher hiring, discipline and termination was vested in the principal position of the charter school. The Court further held that a reasonable jury could find both principals' minimal, non-investigative responses to those reports constituted deliberate indifference. However, the Court affirmed summary judgment as to the third principal's response to the student's own report, holding that his immediate corrective action (investigation, reprimand, probation, and ongoing support) did not constitute deliberate indifference.

On the §1983 claims, the Court affirmed summary judgment for both principals and the school, holding that qualified immunity shielded the principals because the student failed to show a "known or obvious" risk under the more demanding §1983 hiring-liability standard, or a causal connection between the second principal's inaction and the eventual assault sufficient to establish supervisory liability. The Court found that no evidence established a violation of the student's constitutional rights by school administrators.



## ADA & Section 504 - Student Accommodations

***L.E. v. Scamihorn*, --- F.4th ----, 2026 WL 2249000 (11th Cir. August 5, 2026)**

This case involves four students in northwest Georgia who had disabilities that made them vulnerable to respiratory illnesses. Over the course of the COVID-19 pandemic, the school system pivoted from requiring masks to be worn during school to prohibiting schools from adopting mandatory-masking rules. The four students requested accommodations that included mandatory masking and other COVID-related measures to allow them meaningful access to in-person instruction. When the school system refused to implement those requests, two students eventually transferred to private schools, while two remained enrolled and received various alternative accommodations. The students sued under Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, alleging that the school system's blanket prohibition on masking prevented individualized consideration of their accommodation requests and denied them equal access to in-person learning.

On review, the appellate court first addressed jurisdictional issues related to standing and mootness. The Eleventh Circuit held the trial court erred in dismissing the unenrolled students for lack of standing. The Court explained that standing is assessed as of the time a complaint is filed, not by events occurring afterward. The Court clarified that because all four students were enrolled when the suit was filed, all four had standing to pursue both damages and injunctive relief. The Court also held the case was not moot, because the students continued to allege an ongoing denial of accommodations under current guidance. However, the Court affirmed the denial of a preliminary injunction for the two students who remained enrolled in the system's schools. The Eleventh Circuit explained that although the system's masking prohibition prevented individualized consideration of requests for mandatory masking, that fact alone did not establish a violation of the ADA or Section 504. The Court emphasized that students must still prove the requested accommodation is necessary to provide equal access to educational opportunities.

The Court further concluded that the district court did not clearly err in finding that the school system had provided numerous individualized accommodations, including preferential seating, modified classroom transitions, enhanced cleaning measures, and access to less-trafficked facilities. Based on the evidence presented, the Court found those accommodations were adequate in allowing the students to attend school, make academic progress, and advance toward their educational goals. Relying on prior ADA precedent, the Eleventh Circuit emphasized that federal disability laws require schools to provide meaningful access and reasonable accommodations, but they do not require schools to provide a student's *preferred* accommodation. Accordingly, the Court affirmed the denial of preliminary injunctive relief for the two enrolled students, reversed the dismissal of the claims brought by the two students who had transferred schools, and remanded the case for further proceedings.

## Students First Act - Employee Termination

***McGee v. Lauderdale County Board of Education*, --- So.3d ----, 2026 WL 2450992 (Ala. Civ. App. August 21, 2026)**

This case involves the termination of a non-probationary classified employee in north Alabama for inappropriate touching of a student. The employee worked as a bus driver in the school system and was recommended for termination following a Department of Human Resources (DHR) investigation that resulted in an indicated finding of child abuse or neglect involving the student who rode the employee's bus. The superintendent notified the employee that termination was being recommended on the grounds of immorality and other good and just cause, but the notice letter stated "see attachment" as the factual basis for the proposed termination. The board maintained that a DHR report containing the underlying facts had been attached to the notice.

After the board terminated the employee, and a hearing officer affirmed the decision, the employee appealed, arguing that the board failed to provide the supporting factual information required by the Students First Act (SFA). Under Alabama law, it is required for a proposed termination notice to state both the reasons for the proposed action and a short and plain statement of the facts supporting those reasons. Ala. Code §16-24C-6(b). The appellate court agreed with the employee, finding the absence of the factual statement determinative of the issue on appeal. Although the hearing officer presumed that the DHR report had accompanied the termination notice, the Court found that the board failed to present evidence establishing that the attachment was actually included in the notice and delivered to the employee. The superintendent testified that he could not recall whether the attachment had been sent, and no witness testified that the report was enclosed with the notice. As a result, the Court concluded that the board failed to meet its burden of proving compliance with the SFA's notice requirements.

The Court held that, without the factual statement required by statute, the board did not properly initiate the termination process. The Court therefore reversed the hearing officer's decision and ruled in favor of the employee, concluding that his employment had not been effectively terminated. However, the Court noted that its decision does not prevent the school board from commencing a new termination proceeding with proper notice.



## Charter Schools - Financial Services

### **A.G. Op. 2026-039 (July 20, 2026)**

This opinion addressed whether a public charter school must employ its own Chief School Financial Officer (CSFO) or may instead retain a nonprofit organization to fulfill that role. Here, a charter school had been contracting with a nonprofit organization to provide financial services typically performed by a CSFO. The charter school sought clarification as to whether this arrangement could continue. The opinion stated that Alabama law requires local boards of education to appoint a CSFO as an employee of the school board. However, the opinion noted that the Alabama charter-school statute prescribes that “a public charter school shall not be subject to the state’s education statutes or any state or local rule, regulation, policy, or procedure relating to non-charter public schools...” Ala. Code §16-6F-9(a)(3).

Relying on the plain language of the charter-school statute, the opinion concluded that public charter schools are not subject to the statutory requirement that a CSFO be an employee of the local school board. As a result, a charter school may continue to utilize a nonprofit organization or another non-employee entity to fulfill the duties of its chief school financial officer.

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