COURT REPORT

December 2025

Eleventh Circuit Court of Appeals

Student Hazing

***Rodney K. v. Mobile County Board of Education*, 2025 WL 3295850 (11th Cir. November 26, 2025)**

This case involves allegations of upperclassmen football players repeatedly assaulting younger teammates at Davidson High School from 2016 through 2018. Some of the incidents included beatings, stuffing students into garbage cans, and one severe assault that resulted in a student suffering a broken arm. The attacks typically occurred inside the locker room, out of sight from the head coach's office, and were often recorded on students' cell phones. Coaches confiscated the cell phones, deleted videos of the assaults, and punished offending players with extra drills and running laps. One video of a student's attack went viral, which prompted an investigation. That investigation led to students' arrests and several resignations by school officials. Despite the school district having a student code of conduct prohibiting assault, bullying, and other behavior, no formal complaints were ever reported by students or parents prior to the incident of the viral video. Parents of some students who were assaulted filed suit against the board, its superintendent, board members, principal, and several coaches, asserting federal claims and state claims relating to hazing in the school's football program. The trial court granted summary judgment in favor of the board defendants, and the parents appealed.

On review, the 11th Circuit upheld the trial court's ruling that the school officials were entitled to qualified immunity because plaintiffs failed to show the officials were on notice that their failure to promulgate policy to address hazing or their acquiescence in the hazing was a violation of the student plaintiffs' Fourth or Fourteenth Amendment rights. The Court directly addressed the plaintiffs' federal claims against the coaches, finding no evidence in the record to suggest the coaches directed or significantly encouraged any group of students to beat up or otherwise haze other students. While Coaches may have been aware the misconduct was going on and turned a blind eye, the evidence established that they warned against it and, when they witnessed the behavior, discouraged it and punished the participants for engaging in it. The Court held the Fourth Amendment claims against the coaches also failed because, while students were assaulted, these actions were committed by other students, not by state actors. The Court stated that nothing in the record indicated the coaches encouraged hazing behavior among students and the coaches' failure to intervene more significantly did not amount to a coach-sanctioned policy, pattern, and practice of hazing. As for the Fourteenth Amendment claims asserted against the coaches, the Court held they also failed because the undisputed evidence showed the coaches did not take part nor directly engage in the hazing. The Court determined there is no law clearly establishing that a Fourth or Fourteenth Amendment violation occurs through a school official's alleged ratification, endorsement, or encouragement of an alleged seizure or corporal punishment by one student of another student.

Next, the Court addressed the federal claims based on theories of supervisory liability which were asserted against the board, superintendent, and principal. The Court held the Fourth and Fourteenth Amendment claims against school officials failed for several reasons. First, the plaintiffs failed to show an underlying constitutional violation perpetrated by the school officials. Second, school boards cannot be held vicariously liable under §1983 for an employee's unconstitutional actions. A school board is only liable when the violation stems from its own official policy or custom permitting misconduct. Here, the Court found no evidence demonstrating the board permitted hazing through custom or policy, rather the board implemented a student code of conduct prohibiting such behavior. The Court noted the evidence established no such behavior was reported to the Board prior to the viral video incident.

Lastly, the Court held the coaches were entitled to state-agent immunity, highlighting the lack of evidence to show they acted willfully, maliciously, in bad faith, or beyond their authority. The Court rejected the plaintiffs' assertion of the coaches acting beyond their authority, finding no evidence of violation of Alabama's anti-hazing law, Alabama Code §16-1-23. Based on this reasoning, the Court affirmed the trial court's ruling in favor of the school defendants.

Quinn v. Columbia County School District, 2025 WL 3236276 (11th Cir. November 19, 2025)

This case involves a January 2021 lunchroom incident between a Black student, D.J.Q., and a White school counselor, Julie Owens, at an elementary school in Columbia County school district. The student requested a new eating utensil; however, Owens took the utensil in the student's hand, placed it in his mouth, and told the student to clean it. The student later reported this encounter to his mother, Janelle Quinn, who also worked as a counselor assigned to the student's school but was employed by a third party. The mother initially raised concerns to the principal and school board about hygiene and safety but later alleged racial motivation. At her supervisors' directive, Owens apologized to D.J.Q., who accepted the apology. The school officials reviewed video footage of the incident and adjusted schedules to separate the student from the counselor. During a second meeting with school officials, the mother reported for the first time that she believed the lunchroom incident was a racist act by Owens towards D.J.Q. The mother filed an incident report with the Sheriff's office and complaints with state and federal agencies, urging for the termination of the counselor's employment. Following an investigation conducted by the federal government into the matter, the mother was reassigned to another school by her employer based on its policy prohibiting employees from working at their child's school. The mother sued the school system alleging claims of racial discrimination and retaliation under Title VI. The trial court granted summary judgment to the school system on both claims, and the mother appealed.

On appeal, the Court first addressed the mother's claim of discrimination. Applying both *McDonnell Douglas* and deliberate indifference, the Court held the mother's claim failed both frameworks. Under *McDonnell Douglas*, a plaintiff must show that she and her comparators are similarly situated in all material respects. The Court found the mother presented no evidence of a similarly situated comparator. As for deliberate indifference, the Court agreed with the trial court's determination that there was insufficient evidence to show that any school official knew of and disregarded an excessive or great risk to the D.J.Q.'s health and safety. Here, the Court deemed the school system's response to the incident as not indifferent but rather reasonable when it directed the counselor to apologize to the student and separated the counselor from the student for the remainder of the school year, without any further reported incident. The Court did not find evidence to support a disregard by the school system of the counselor's treatment of the student, nor was there evidence to show that the counselor's treatment of the student was based on his race.

The Court then addressed the mother's retaliation claims, finding them meritless. Regarding the claim on her own behalf, the Court discussed that the lack of evidence to support her retaliation claim connected to her employer's transfer to another school. Under the cat's paw theory, a plaintiff must show that the ultimate and manipulated decision maker –the puppet– followed the biased recommendation of another –the puppeteer– without independently investigating the situation. Here, the mother worked for a third-party vendor, not the school district, and the Court noted there was no evidence to show the school district was the driving force behind her employer's decision to remove the mother from her child's school. After the school system reported the mother's situation to her employer, the employer had the federal government investigate and the governmental agency agreed with her employer's decision to transfer the mother to another school. None of these actions appeared to the Court as being controlled by the school system.

Furthermore, the Court was not convinced by the mother's argument that the employer's reason for reassigning her was pretext for retaliation because her employer executed that decision based on its policy prohibiting employees from working at the same schools their children are enrolled in. As for the retaliation claim brought on her child's behalf, the Court again found no retaliatory adverse action suffered by the student. While the plaintiff contended that her son was embarrassed by the January 2021 incident, the Court noted there was nothing in the record that suggested the student was retaliated against for reporting the January incident. Thus, the 11th Circuit upheld the trial court's ruling of summary judgment in favor of the school system.

Attorney General's Opinion

School Resource Officers

A.G. Op. 2026-002 (November 14, 2025)

This opinion addressed whether a county sheriff and county commission could enter into a contract with a private school located within the city to provide school resource officer (SRO) services, despite some public schools located in the city not having an SRO available or assigned to them. Here, a private school wanted to contract with the Sheriff's office for SRO services and reimburse all costs. The Sheriff's office provides SROs to public schools outside of the city limits, but not to school systems located inside the city limits. As a result, various public schools located within the city lack SROs. Alabama law provides that contracts for SROs with private schools can only be approved after every public school system in the county or municipality has access to the contracted SRO services. See Ala. Code §16-1-44.3(b)(2).

Thus, the Attorney General's Office concluded it would be impermissible for the private school to contract with the sheriff and county commission for SRO services unless other public schools in the city have SROs made available to them, whether the SROs are offered by the Sheriff's Office, the City Police Department, or a combination of the two. The opinion provides it does not matter which law enforcement entity is offering the SRO services, as long as every public school inside city limits has SRO services made available to them. While the sheriff and county commission cannot enter into contracts to provide SRO services to private schools unless all public schools in the city have access to SROs, Alabama law does allow for an off-duty law enforcement officer, in his/her personal capacity, to contract with or work for a private school. See Ala. Code §16-1-44.3(f).

Matter of Interest

Editor's Note: Court Report does not typically include court cases at the circuit court level but given the gravity of the issue presented, we do so here.

Student Athlete Eligibility

***Kay Ivey v. Alabama High School Athletic Association*, 03-CV-2025-000373, Circuit Court of Montgomery County, Alabama (September 4, 2025)**

In September 2025, Governor Ivey and Speaker Ledbetter sued the Alabama High School Athletic Association (AHSAA), challenging AHSAA's rules that deny athletic eligibility to students who participate in Alabama's new school-choice program under the CHOOSE Act. The CHOOSE Act provides that "nothing [in the Act] shall affect or change the athletic eligibility of student athletes governed by the [AHSAA] or similar association." Ala. Code §16-6J-3(i). However, AHSAA later implemented an amendment to its financial-aid rule classifying CHOOSE Act funds as financial assistance and thus making students who transfer and use these funds ineligible for participation in interscholastic athletics for one year. Among other things, the plaintiffs requested the court declare the CHOOSE Act expressly prohibits AHSAA from imposing athletic ineligibility determinations and restrictions based on a student's participation in the CHOOSE Act program and to rule that any AHSAA bylaws or policies enforcing such restrictions are invalid. In November 2025, the trial court ordered the parties to participate in mediation, and this matter is set for a hearing in April 2026.

- Dana Hill serves as AASB's General Counsel and Angel Moreno serves as AASB's Legal Services Officer.