COURT REPORT

November 2026

Eleventh Circuit Court of Appeals

Title IX & Title VI – Student-on-Student Sexual Harassment

***Thomas v. City Schools of Decatur*,--- F.4th ----, 2026 WL 3371977 (11th Cir. November 6, 2026)**

This case involves a black female kindergarten student who was allegedly sexually assaulted by another black male classmate in a school restroom. After learning of the alleged assault, the student's mother reported the incident to school staff. The school's administrators immediately notified district officials, involved law enforcement and social workers, imposed supervision measures for the students involved, and made mandatory reports to the state's child welfare agency. The female student later transferred to a different classroom and eventually to another school within the district. After filing a complaint with the U.S. Department of Education's Office of Civil Rights (OCR), the student's mother subsequently sued the school system, alleging that the district violated Title IX by responding with deliberate indifference to student-on-student sexual harassment and violated Title VI by discriminating against the student based on race. The trial court entered summary judgment in favor of the school system, and the mother appealed.

On appeal, the Eleventh Circuit affirmed the lower court's decision. Regarding the Title IX hostile learning environment claim, the Court explained that a school district is liable for student-on-student harassment only when it acts with deliberate indifference, meaning its response is clearly unreasonable in light of known circumstances. The Court acknowledged that the OCR, in its findings, determined the school system's investigation was inadequate because the district failed to conduct a more thorough independent investigation after law enforcement and child welfare authorities became involved. Nevertheless, the Court emphasized that Title IX's deliberate indifference standard is significantly less demanding than compliance with administrative regulations. The record demonstrated that school officials responded immediately to the report, involved appropriate authorities, implemented supervision measures for the student, offered accommodations, and ultimately approved the student's transfer request. Under those circumstances, the Court concluded that no reasonable jury could find the school district's response clearly unreasonable.

The Court likewise rejected the Title VI race discrimination claim. The mother argued that school officials treated her child less favorably than the accused student because she is a black child being raised by a black single mother, while the accused student is black but had white adoptive parents. The Court found insufficient evidence that race motivated any actions taken by district personnel. The Court observed that school officials responded to reports involving both students, made child welfare referrals concerning both children, and implemented measures intended to address the reported incident. Although some comments made by district personnel were inappropriate and reflected skepticism toward the family's allegations, the Court found no evidence that the district's actions were motivated by race or that similarly situated students of a different race received more favorable treatment. Accordingly, the Eleventh Circuit affirmed summary judgment in favor of the school district on all claims.

Hiring Incentives – Faculty Housing

A.G. Op. 2027-004 (October 29, 2026)

This opinion concludes that a city school board may not purchase rental housing units and offer them to newly hired teachers at reduced rates as an incentive to attract qualified educators. The board explained that the school system faces challenges recruiting teachers due to housing shortages and competition from surrounding communities.

In reaching its conclusion, the Attorney General's office acknowledged that local boards of education generally possess broad authority to manage and operate public schools. However, the opinion noted that a city school board's authority to acquire and maintain real property is governed by Ala. Code §16-11-12, which specifically authorizes the acquisition of property such as school sites, school buildings, libraries, and other property used for public school purposes. Applying the principles of statutory construction, the opinion determined that the phrase "other property erected for school uses" is limited to property similar in nature to those specifically identified in the statute and does not extend to residential housing provided as an employment incentive.

The opinion further reasoned that, although Ala. Code §16-11-9 grants city school boards broad powers necessary or proper for the administration and management of schools, that general authority must yield to the more specific statutory provisions governing the acquisition of real property. Because teacher housing is not property used for a public-school purpose within the meaning of §16-11-12, the opinion clarified that a city school board lacks authority to establish such a housing program. As a result, the opinion concluded that a city school board may not purchase rental housing units and rent them to newly hired teachers at below-market rates to encourage recruitment and retention.

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