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k12 focus April Newsletter



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GENDER EXCLUSION IN SPORTS

Last month, the Eighth Circuit Federal Court of Appeals found that two male students have a fair chance of prevailing on their claim against the Minnesota State High School League for denying them the opportunity to join their schools' female dance teams. The students filed suit against the league claiming that their rights under the 14th Amendment of the U.S. Constitution and Title IX had been violated.

The two male students, both juniors in high school, sought a preliminary injunction to allow them to immediately join the dance team since the underlying litigation will not conclude until well after their high school careers. The trial court held in favor of the League and the students appealed to the Eighth Circuit.

Although not binding upon school districts in Illinois, the Eighth Circuit ruled in favor of the students, holding that the male students had a fair chance of prevailing on their claim that the League violated their rights under the 14th Amendment of the U.S. Constitution.

Although the Court did recognize that girls have been historically underrepresented in Minnesota high school athletics, in recent years, the underrepresentation of girls has been largely corrected and there is no longer an exceedingly persuasive justification for excluding boys from participating on girls' teams. The Court did recognize that there are limits to allowing boys to participate in girls' sports, however, male

Historically, the 14th Amendment and Title IX have provided equal access to sports for female students. However, this decision serves as an important reminder that male students can also assert their rights under these laws. School districts should be sensitive to requests from students of either gender regarding athletic participation where no other equivalent sport or team exists.



DISCLOSURE OF STANDARDIZED TEST QUESTIONS AND ANSWERS

Recently, a northwest suburban school district received a Freedom of Information Act request in which the parent sought copies of her child's Vineland-3 assessment results. The school district responded by allowing the parent access to the test protocol in person but would not provide a copy since it was copyright protected material. The parent filed a request for review with the Illinois Attorney General Public Access Bureau ("PAC"), which ultimately found (in a non-binding opinion) that no violation occurred.

Specifically, the PAC found that the test protocols have unique copyright protections. The PAC also reasoned that FOIA proceedings are not an appropriate means of obtaining such records since the Illinois School Student Records Act has a process for parents to request their child's records. The PAC found that the school district acted appropriately by allowing the parent an opportunity to review the test protocols in person without releasing copies.

POST ELECTION DEADLINES

Now that election season is over, school districts should take note of a few important deadlines.

April 30, 2019 is the last day for school boards to reorganize by seating new members that were elected to the school board on April 2, 2019. Reorganizing the board means electing new officers and setting a time and place for regular meetings. The Illinois Association of School Boards has developed a valuable resource regarding reorganization meetings entitled "Organizing the Board" which can be found at: <http://iasb.mys1cloud.com/Organizing-the-Board.pdf>.

Another key deadline to remember is **May 1, 2019**, which is the last day for not only school board members, but superintendents, building principals, heads of departments and employees responsible for executing contracts of \$1,000 or more to complete a statement of economic interest as required by the Illinois Governmental Ethics Act. A sample form can be found at: https://www.cyberdriveillinois.com/publications/pdf_publications/i188.pdf.

USEFUL LINKS :

Just click below

IASB GUIDE
FOR ORGANIZING
THE BOARD

STATEMENT OF
ECONOMIC
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