

Title IX Bullying Case Summaries--Source: *15 Expensive Reasons Why Safe Schools Laws & Policies are in your District's Best Interest*, National Center for Lesbian Rights, www.nclrights.org. (Edited for brevity).

Compilation of Cases Where School Districts Were Found Liable for Bullying and Harassment under Title IX

Doe v. Anoka-Hennepin School District (2012)

DESCRIPTION: District-wide discrimination, bullying, and harassment against LGBT students was left unchecked. Schools failed to take adequate steps to protect students.

CLAIMS: Equal Protection Clause, Federal Title IX, state law claims.

OUTCOME: The Civil Rights Division of the United States Department of Justice and the Office of Civil Rights of the Department of Education joined the case. They reached a settlement where the district agreed to implement a comprehensive plan to address bullying, harassment, and discrimination and pay \$270,000.

Tehachapi Unified School District v. US Department of Education, Office of Civil Rights (2011)

DESCRIPTION: A 13-year-old student suffered severe harassment based on his sexual orientation and gender expression, and the school failed to take steps to prevent such harassment. The student ultimately died by suicide.

CLAIMS: Federal Title IX, Federal Title IV.

OUTCOME: The Civil Rights Division of the United States Department of Justice and the Office of Civil Rights of the Department of Education pursued this complaint. They reached a settlement where the district agreed to revise its policies and implement a comprehensive plan to address bullying and harassment.

Roe v. Gustine Unified School District, 678 F. Supp. 2d 1008 (E.D. Cal. 2009)

DESCRIPTION: A student was physically assaulted, sexually assaulted, and harassed at football camp because of perceived sexual orientation.

CLAIMS: Equal Protection Clause, Federal Title IX, state law claims

OUTCOME: The court found the student could sue based on Title IX.

Ramelli and Donovan v. Poway Unified School District, 167 Cal. App. 4th 567 (Cal. Ct. App. 2008)

DESCRIPTION: Several students were repeatedly harassed and attacked because of their sexual orientation. Although the school knew about it, nothing was done.

CLAIMS: Federal Title IX, state law claims

OUTCOME: Settled in 2008 for \$300,000

Shaposhnikov v. Pacifica School District, 2006 U.S. Dist. LEXIS 18330 (N.D. Cal. 2006)

DESCRIPTION: A 12-year-old student was harassed and physically abused for being perceived as gay. The student told school officials but they took little action.

CLAIMS: Equal Protection Clause, Federal Title IX, state law claims

OUTCOME: School district settled in 2006 on unknown terms. The parents of the students who harassed the plaintiff settled for \$100,000 in 2005.

Theno v. Unified School District 464, Tonganoxie 377 F. Supp. 2d 952 (D. Kan. 2005)

DESCRIPTION: A student was verbally harassed for four years because he was perceived to be gay. School officials ignored his complaints and the student was eventually forced to leave school.

CLAIMS: Federal Title IX

OUTCOME: Settled in 2005 for \$440,000.

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Doe v. Perry Community School District (S.D. Iowa 2004)

DESCRIPTION: Student perceived to be gay was physically and verbally abused for over three years. School staff ignored the student's complaints.

CLAIMS: Federal Title IX

OUTCOME: Judgment in 2004 for \$27,500.

Flores v. Morgan Hill Unified School District, 324 F.3d 1130 (9th Cir. 2003) [California]

DESCRIPTION: Six students experienced daily harassment, threats, and physical violence on the basis of their actual or perceived sexual orientation and gender identity/expression.

CLAIMS: Equal Protection Clause, Federal Title IX, state law claims

OUTCOME: Settled in 2004 for \$1.1 million. The settlement required the school district to establish training program for students and staff to combat anti-gay harassment, to revise their harassment policies, to keep written records of any complaints concerning anti-LGBT harassment or discrimination.

Dahle v. Titusville Area School District (W.D. Pa. 2001)

DESCRIPTION: A student faced daily verbal and physical assaults over a 5-year period because of his sexual orientation. The harassment was so traumatizing that the student attempted suicide and was forced to drop out of school.

CLAIMS: Equal Protection Clause, Federal Title IX

OUTCOME: Settled in 2002 for \$312,000.

Resources for effective anti-bullying policies:

US Dept. of Education Stop Bullying Project: <http://www.stopbullying.gov/>

Safe schools policy for LGBTQ students (2010), GLSEN, the Gay, Lesbian Straight Education Network: <http://glsen.org/learn/research/books-journals>

The Bully Project: <http://www.thebullyproject.com/>

General info and cases: National Center for Lesbian Rights: www.nclrights.org