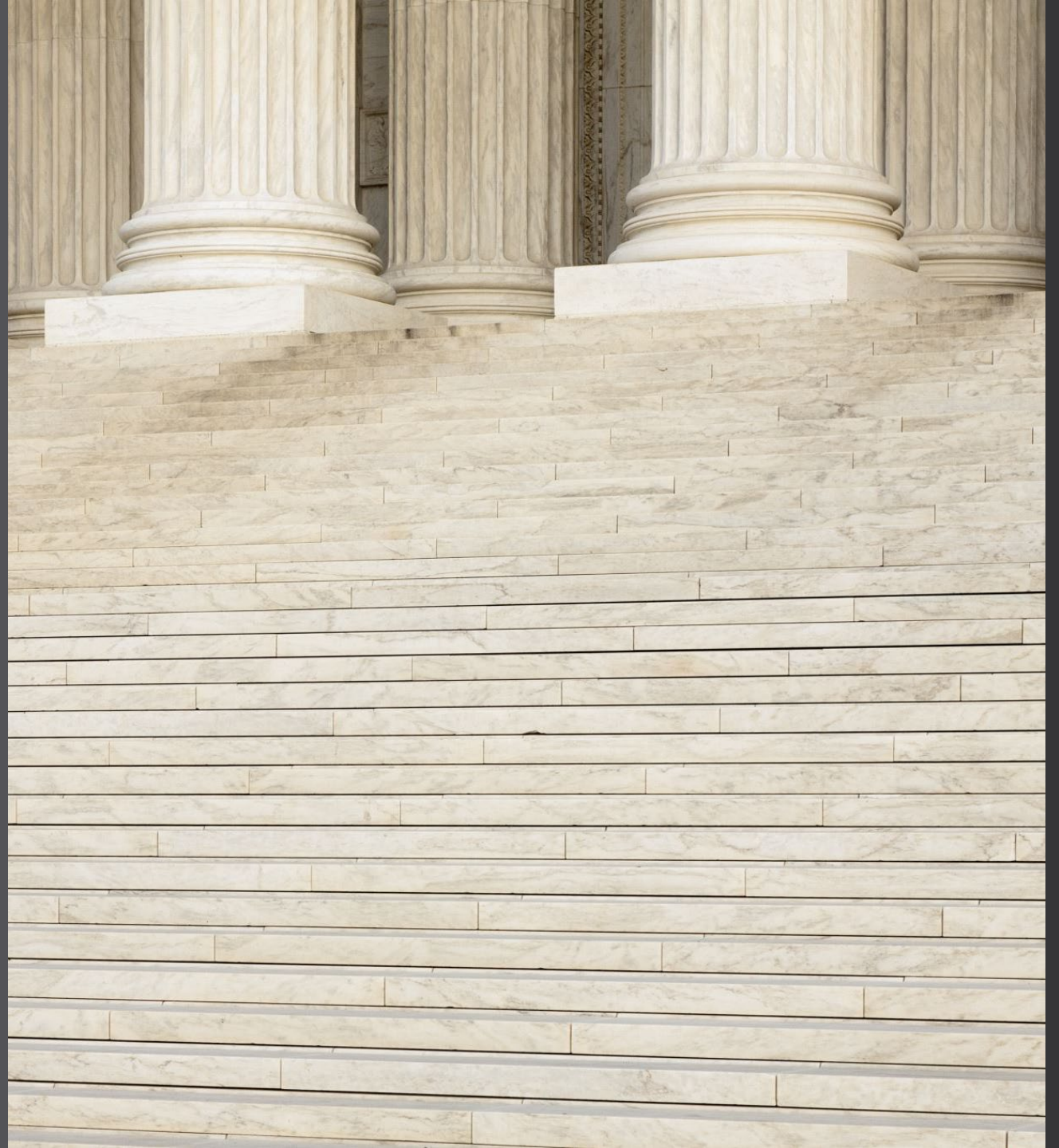


2023 Legal Update

Deirdre Macchia, Esq.
Associate Counsel, NYSUT Office of General Counsel

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Supreme Court Overview & Recent Decisions



Glacier Northwest Inc. v. International Brotherhood of Teamsters (June 2023)

- 598 US _ (2023)
- Damage by Union During Strike
- Facts: IBT Local 174 represents truck drivers at Glacier Northwest who deliver concrete. During negotiations for a new collective bargaining agreement, the union decided to go on strike in an effort to pressure Glacier to agree to a new contract. With the drivers on strike, Glacier was unable to make its deliveries and ultimately had to dispose of several loads of concrete before they hardened. After Local 174 won a new contract, Glacier sued the union in Washington state court for the losses it suffered because of the strike.
- Issue: Does the National Labor Relations Act preempt employers from suing unions in state court for damages they suffer as the result of a strike that is “arguably protected” by the Act?
- Holding: Reversed Washington State Supreme court and remanded. The National Labor Relations Act did not preempt Glacier’s state tort claims related to the destruction of company property during a labor dispute where the union failed to take reasonable precautions to avoid foreseeable and imminent danger to the property.
- Importance?

Students for Fair Admissions v. University of North Carolina and Students for Fair Admissions v. President and Fellows of Harvard College (June 2023)

- 600 US _ (2023)
- Affirmative action
- Facts: Students for Fair Admissions (SFFA) sued both University of North Carolina and Harvard University over their admissions policies. Both UNC and Harvard use an applicant's race as one factor in their admissions decision because both schools recognize the educational and societal value of admitting a diverse student body.
- Issues:
 - (1) Are public colleges and universities prohibited from considering race in student admissions decisions by the Fourteenth Amendment of the Constitution (providing for equal protection of the laws)?
 - (2) Are private colleges and universities prohibited from considering race in student admissions decisions by Title VI of the Civil Rights Act of 1964 (providing that "no person ... shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance")?
- Holding: The admissions programs at Harvard College and the University of North Carolina violate the equal protection clause of the 14th Amendment.
- Importance?

Moore v. Harper (June 2023)

- 600 US _ (2023)
- Congressional Redistricting & Elections
- Facts: After the 2020 census, North Carolina gained an additional seat in the U.S. House of Representatives. To account for this new seat, the Republican majority in the state legislature passed a redistricting bill which heavily gerrymandered the state's districts in favor of republicans. The newly redistricted map was struck down by the North Carolina Supreme Court for violating the state's constitution. The state legislature challenged the state Supreme Court's authority to strike down their gerrymandered map.
- Issue: Does the U.S. Constitution give state legislatures the sole authority, independent of any constraints by state courts or other laws, to regulate federal elections? This is the "independent state legislature" theory.
- Holding: The federal elections clause does not vest exclusive and independent authority in state legislatures to set the rules regarding federal elections and therefore did not bar the North Carolina Supreme Court from reviewing the North Carolina legislature's congressional districting plans for compliance with North Carolina law.
- Importance?

Allen v. Milligan (June 2023)

- 599 US _ (2023)
- Congressional Redistricting & Voting Rights
- Facts: The state of Alabama created a redistricting plan following the 2020 census. Registered voters and several voter organizations challenged the plan, arguing that the plan illegally packed Black votes into a single district while dividing other clusters of Black voters across multiple districts. Petitioners alleged that the map minimizes the number of districts in which Black voters can elect their chosen candidates, in violation of Section 2 of the Voting Rights Act, which bans racial discrimination in voting policies.
- Issue: Whether Alabama's redistricting plan violates Section 2 of the Voting Act.
- Holding: Plaintiffs demonstrated a reasonable likelihood of success on their claim that the districting plan adopted by likely violated Section 2 of the Voting Rights Act.
- Importance?

Biden v. Nebraska (June 2023)

- 600 US _ (2023)
- Student Loans & Presidential Authority
- Facts: As a candidate, President Biden made a campaign promise to forgive up to \$10,000 of federal student loan debt per borrower. Once he was elected, he moved to forgive \$10,000 in student loans for borrowers with an annual income of less than \$125,000 via executive action.
 - Nebraska and five other states challenged the program, arguing that it violated separation of powers and the Administrative Procedures Act (“APA”). The lower court enjoined the forgiveness program pending the appeal.
- Issues:
 - (1) Do these states have standing to challenge the Biden administration’s actions?
 - (2) Does the student-debt relief program exceed the statutory authority of the U.S. Secretary of Education, or does it violate the Administrative Procedure Act?
- Holding: The Secretary of Education does not have authority under the Higher Education Relief Opportunities for Students Act of 2003 to establish a student loan forgiveness program that will cancel roughly \$430 billion in debt principal and affect nearly all borrowers. Also, determined that Missouri had standing because it operates a government corporation, MOHELA, a government corporation that services student loans, and Biden’s plan would harm MOHELA by causing it to lose out on loan servicing fees.
- Importance?

Department of Education v. Brown (June 2023)

- 600 US _ (2023)
- Standing & Student Loans
- Facts: Companion case to *Biden v. Nebraska*. Plaintiffs were two individual borrowers who did not qualify for maximum relief under the student loan forgiveness plan. Plaintiffs sued to block the plan, arguing that the Department of Education's rulemaking was inconsistent with statutory procedural requirements.
- Issue: Did Respondents have standing to sue?
- Holding: Respondents lack Article III standing to assert a procedural challenge to the student-loan debt-forgiveness plan adopted by the Secretary of Education pursuant to Higher Education Relief Opportunities for Students Act of 2003.
- Importance?

303 Creative LLC v. Elenis (June 2023)

- 600 US _ (2023)
- First Amendment & Religious Freedom
- Facts: A website designer wanted to expand into wedding website design but feared that Colorado state law would force her to create websites for same-sex marriages, in conflict with her belief that marriage should only be for opposite-sex couples.
- Issue: Can a state require a website designer who creates wedding websites to create wedding websites for same-sex marriages?
- Holding: The First Amendment prohibits Colorado from forcing a website designer to create expressive designs speaking messages with which the designer disagrees.
- Importance?

Groff v. DeJoy (June 2023)

- 600 US _ (2023)
- Title VII & Religious Accommodation
- Facts: Petitioner is a Sabbatarian Christian and former USPS employee. After USPS began Sunday deliveries for Amazon, USPS disciplined petitioner for missing Sunday work shifts. Petitioner resigned and sued USPS under Title VII for failure to accommodate his religious beliefs.
- Issue: What constitutes “undue hardship” under Title VII’s religious discrimination provision?
- Holding: In order to claim undue hardship, an employer must show that the burden of granting an accommodation would result in substantial increased costs in relation to the conduct of its particular business. The test is fact- and context-specific both with regards to the accommodation and the employer.
- Importance?



Additional,
Emerging
Legal Matters

Preferred Eligible and Recall

- As you know, our office will offer representation in certain circumstances to challenge determinations of local school districts through pursuing an Article 78 proceeding.
- *Matter of Robinson v. Bd. of Educ. of Manchester-Shortsville Cent. Sch. Dist.*, 216 A.D.3d 1453 (4th Dep't 2023).
- Importance of timely filings for Article 78s proceedings.

- Our office will also offer representation in certain circumstances to challenge decisions made by local school districts which the New York State Education Commissioner maintains jurisdiction over through a Commissioner Appeal.
- *Matter of Application of Albany-Schoharie-Schenectady-Saratoga Bd. of Coop. Educ. Svcs. v. Rosa*, Supreme Ct., Albany Cty., Supreme Ct., Albany Cty., June 27, 2023.
- Rickson's termination was improper. Rickson's email was not solicitation, Rickson's class assignment was appropriate to the course, and Superintendent's claim against Rickson was a bad faith attempt to circumvent the issue of academic freedom.

Probationary Discontinuance

Book Bans

- Book bans on the rise.
- Occurring in and around school districts in New York state.
- American Library Association released report showing that efforts to ban books nearly doubled in 2022 compared to the prior year.
- Academic Freedom/First Amendment implications
- Students' Rights
- Experience/discussions of book bans in your own districts?





Questions?