

UNITED STATES DEPARTMENT OF EDUCATION

Summary of Grants/Awards/Regulations

Grant Announcements

PROGRAM: Office of Postsecondary Education; Fulbright-Hays Group Projects Abroad Program—Short-Term Projects

ACTION: Notice Inviting Applications for New Awards for Fiscal Year (FY) 2015

SUMMARY:

Purpose: To support overseas projects in training, research, and curriculum development in modern foreign languages and area studies for groups of teachers, students, and faculty engaged in a common endeavor.

Eligible Applicants: (1) institutions of higher education (IHEs), (2) state departments of education, (3) private nonprofit educational organizations, and (4) consortia of these entities.

Deadline for Transmittal of Application: March 23, 2015

For Applications Contact: (CFDA # 84.021A)

Internet: www.Grants.gov or www.EDPubs.gov

ED Pubs, write, fax, or call the following:

ED Pubs, U.S. Department of Education,

P.O. Box 22207, Alexandria, VA 22304

Telephone: (877) 433-7827

FAX: (703) 605-6794

TDD: (877) 576-7734

E-mail: edpubs@inet.ed.gov

Note: Applications must be submitted electronically unless the applicant qualifies for an exception to that requirement.

For Further Information Contact:

Reha Mallory

Fulbright-Hays Group Projects Abroad Program

U.S. Department of Education

1990 K Street NW., Room 6100

Washington, DC 20006-8521

Telephone: (202) 502-7605

E-mail: reha.mallory@ed.gov

TDD: (800) 877-8339

Westlaw™ citation: 2015 WL 681994 (F.R.)

UNITED STATES DEPARTMENT OF EDUCATION

PROGRAM: Department of Health and Human Services, Administration for Community Living, Department of Health and Human Services; National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers (RERC)

ACTION: Notice Inviting Applications for New Awards for Fiscal Year (FY) 2015

SUMMARY:

Purpose: To plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology; to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Eligible Applicants: States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; institutions of higher education (IHEs); and Indian tribes and tribal organizations

Deadline for Transmittal of Application: April 20, 2015

For Applications or Further Information Contact: (CFDA # 84.133E-1, 84.133E-3, and 84.133E-5)

Patricia Barrett
U.S. Department of Education
400 Maryland Avenue SW., Room 5142
PCP, Washington, DC 20202-2700
Telephone: (202) 245-6211
E-mail: patricia.barrett@ed.gov
TDD: (800) 877-8339

Note: Applications must be submitted electronically unless the applicant qualifies for an exception to that requirement.

Westlaw™ citation: 2015 WL 636497 (F.R.)

PROGRAM: Department of Health and Human Services, Administration for Community Living; National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR)—Disability and Rehabilitation Research Projects (DRRPs)—Community Living and Participation, and Health and Function Notice

ACTION: Notice Inviting Applications for New Awards for Fiscal Year (FY) 2015

SUMMARY:

Purpose: To plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology; to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

UNITED STATES DEPARTMENT OF EDUCATION

Eligible Applicants: States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; institutions of higher education (IHEs); and Indian tribes and tribal organizations

Deadline for Transmittal of Application: April 20, 2015

For Applications or Further Information Contact: (CFDA # 84.133A-3, 84.133A-4 84.133A-8, and 84.133A-9)

Patricia Barrett
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TDD: (800) 877-8339

Note: Applications must be submitted electronically unless the applicant qualifies for an exception to that requirement.

Westlaw™ citation: 2015 WL 636496 (F.R.)

PROGRAM: Office of Elementary and Secondary Education; Alaska Native Education Program

ACTION: Notice Inviting Applications for New Awards for Fiscal Year (FY) 2015

SUMMARY:

Purpose: To support innovative projects that enhance the educational services provided to Alaska Native children and adults, including the activities authorized under section 7304(a)(2) and (a)(3) of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

Eligible Applicants: (1) Alaska Native organizations; (2) educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages; (3) cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives; and (4) consortia of organizations and entities described in this paragraph.

Deadline for Transmittal of Application: April 27, 2015

For Applications or Further Information Contact: (CFDA # 84.356A.)

Almita Reed
U.S. Department of Education
400 Maryland Avenue SW., Room 3E210
Washington, DC 20202-6200
Internet: www2.ed.gov/programs/alaskanative/index.html
Telephone: (202) 260-1979
TDD: (800) 877-8339
E-mail: Almita.Reed@ed.gov

Note: Applications must be submitted electronically unless the applicant qualifies for an exception to that requirement.

Westlaw™ citation: 2015 WL 781110 (F.R.)

UNITED STATES DEPARTMENT OF EDUCATION

PROGRAM: Office of Innovation and Improvement; District of Columbia Opportunity Scholarship Program (OSP)

ACTION: Notice Inviting Applications for New Awards for Fiscal Year (FY) 2015

SUMMARY:

Purpose: To provide low-income students residing in the District of Columbia (DC) an opportunity to receive a scholarship to attend a DC private school of their parents' choice.

Eligible Applicants: Nonprofit organization or a consortium of nonprofit organizations.

Deadline for Notice of Intent to Apply: March 25, 2015

Deadline for Transmittal of Application: April 24, 2015.

For Applications Contact: (CFDA # 84.370A.)

Jeanne Gilroy
U.S. Department of Education
400 Maryland Avenue SW., Room 4W227
Washington, DC 20202-5960
E-mail: DCOSP2015@ed.gov
TDD: (800) 877-8339

Note: Applications must be submitted electronically unless the applicant qualifies for an exception to that requirement.

For Further Information Contact:

Jeanne Gilroy
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Westlaw™ citation: 2015 WL 729940 (F.R.)

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VOLUME 313 EDUCATION LAW REPORTER

The complete text of each of the following cases is in this issue. The summaries will direct you to the cases which are of interest to you. Use bracketed [] numbers located at the bottom corner of each page to find your case. An asterisk (*) indicates a case involving colleges and universities.

- * **ABUSE AND HARASSMENT:** Fact issue existed as to whether university was deliberately indifferent to professor's alleged sexual harassment of student.
Matthews v. Nwankwo (N.D.Miss., 36 F.Supp.3d 718) [150]
- ADMINISTRATORS:** Terminated school principal was entitled to hearing prior to cancellation of employment contract with school.
Hewitt v. Westfield Washington School Corp. (Ind.App., 24 N.E.3d 459) [336]
- * **ATHLETICS:** State university's scholarship decisions did not discriminate against Caucasian football players.
Farmer v. Board of Regents of University System of Georgia (C.A.11 (Ga.), 589 Fed.Appx. 913) [61]
- ATTENDANCE:** SSAA authorized Michigan Department of Education to retroactively audit and adjust school aid based on pupil attendance.
Galien Tp. School Dist. v. Department of Educ. (Mich.App., 857 N.W.2d 659) [346]
- CIVIL RIGHTS:** Part-time tutoring position for sick teacher was not available at school, and thus was not reasonable accommodation.
Rabb v. School Bd. of Orange County, Fla. (C.A.11 (Fla.), 590 Fed.Appx. 849) [95]
- Heck* did not bar African-American Muslim student's selective enforcement equal protection claim against officers.
Muhammad ex rel. J.S. v. Abington Tp. Police Dept. (E.D.Pa., 37 F.Supp.3d 746) [216]
- Disabled Students:** IDEA plaintiffs were entitled to attorney fees for work performed after rejection of settlement offer that included only \$300 in attorney fees.
Brighthaupt v. Dist. of Columbia (D.D.C., 36 F.Supp.3d 1) [109]
- DISABLED STUDENTS:** School district's annual review complied with the Individuals with Disabilities Education Act's procedural requirements.
R.B. v. New York City Dept. of Educ. (C.A.2 (N.Y.), 589 Fed.Appx. 572) [28]
- A school district provided an adequate FAPE to a student with severe tree nut allergies.
T.F. v. Fox Chapel Area School Dist. (C.A.3 (Pa.), 589 Fed.Appx. 594) [34]
- Homebound instruction for a gifted yet disabled student satisfied the Rehabilitation Act.
K.K. ex rel. L.K. v. Pittsburgh Public Schools (C.A.3 (Pa.), 590 Fed.Appx. 148) . . . [71]
- * **Finance:** Donors' funding of university's hotel construction was protected speech under anti-SLAPP statute.
Save Westwood Village v. Luskin (Cal.App. 2 Dist., 182 Cal.Rptr.3d 328) [266]
- INJUNCTION:** District court's decision regarding application of IDEA's stay put provision was remanded for findings and conclusions of law.
Sheils v. Pennsbury School Dist. (C.A.3 (Pa.), 590 Fed.Appx. 159) [78]

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- * **Labor and Employment:** Private university did not owe employee a duty to protect her from voter intimidation by coworker in violation of Maryland Election Code.
 McCaskill v. Gallaudet University (D.D.C., 36 F.Supp.3d 145) [132]

- * African-American employee of university failed to establish prima facie case of harassment under Title VII and state law.
 Henry v. Regents of the University of California (N.D.Cal., 37 F.Supp.3d 1067) . . [233]

- LABOR AND EMPLOYMENT:** Teacher failed to state Americans with Disabilities Act (ADA) claim against school district.
 Dancause v. Mount Morris Cent. School Dist. (C.A.2 (N.Y.), 590 Fed.Appx. 27) . . . [68]

- * Statutory period for Title VII denial of tenure claim did not begin to run anew each time university professor received a paycheck.
 Niwayama v. Texas Tech University (C.A.5 (Tex.), 590 Fed.Appx. 351) [86]

- Teacher did not show school board's proffered reasons for not renewing contract were pretext for national origin discrimination.
 Fong v. School Bd. of Palm Beach County, Fla. (C.A.11 (Fla.), 590 Fed.Appx. 930) [101]

- Probationary teacher's unsatisfactory rating was not arbitrary and capricious or made in bad faith.
 Brennan v. City of New York (N.Y.A.D. 1 Dept., 999 N.Y.S.2d 62) [276]

- Six-year limitations period applied to school district employee's whistleblower claim.
 Ford v. Minneapolis Public Schools (Minn.App., 857 N.W.2d 725) [355]

- Applicant failed to establish a prima facie case of discrimination by school district in its hiring process for superintendent position.
 Desai v. Labor Com'n (Utah App., 341 P.3d 948) [361]

- Requiring school board to pay teachers back pay did not violate constitutional prohibition against donation of public funds.
 Aillet v. Lafayette Parish School Bd. (La.App. 3 Cir., 154 So.3d 768) [423]

- PROCESS:** Dismissal with prejudice of former school teacher's claims against school district police officer was not abuse of discretion.
 Moreno v. Donna Independent School Dist. (C.A.5 (Tex.), 589 Fed.Appx. 677) . . . [55]

- * **PROPERTY AND CONTRACTS:** Exceptional circumstances barred application of res judicata in state university's expropriation action.
 Board of Sup'rs of Louisiana State University v. Dixie Brewing Co., Inc. (La.App. 4 Cir., 154 So.3d 683) [410]

- * **Student Discipline:** University's proffered reason for initiating review of Iranian medical student's professional comportment was not pretext for discrimination.
 Hajjar-Nejad v. George Washington University (D.D.C., 37 F.Supp.3d 90) [159]

- SCHOOL BOARDS:** Plaintiffs did not plausibly state under § 1983 that individual members of board of education had violated their rights.
 Barrett v. Board of Educ. of Johnston County, N.C. (C.A.4 (Va.), 590 Fed.Appx. 208) [82]

- Service upon school district's electoral board as distinct entity was not necessary to obtain judicial review of board decision.
 Bettis v. Marsaglia (Ill., 23 N.E.3d 351) [291]

- School board member convicted of aiding and abetting forgery was ineligible to hold the office of board member.
 Alvarez v. Williams (Ill.App. 1 Dist., 23 N.E.3d 544) [306]

- School board did not receive funds through local government subdivision, as could allow inspector general to audit board.
 Orleans Parish School Bd. v. Quatrevaux (La.App. 4 Cir., 154 So.3d 612) [398]

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<p>SCHOOL DISTRICTS: New York law did not set timeline for developing contract to fund underachieving schools. Shaw v. King (N.Y.A.D. 3 Dept., 999 N.Y.S.2d 253)</p> <p>Large, urban school districts' petition to intervene in small, rural school district's lawsuit was properly denied as untimely. Fort Smith School Dist. v. Deer/Mt. Judea School Dist. (Ark., 450 S.W.3d 239) ...</p> <p>* SENIORITY AND TENURE: Law school professor established prima facie case of race discrimination under § 1981 in her application for tenure. Brown v. Sessoms (C.A.D.C., 774 F.3d 1016).....</p> <p>* TORTS: Doctoral student failed to plead fraud claims against education company with sufficient particularity. Murphy v. Capella Educ. Co. (C.A.4 (Va.), 589 Fed.Appx. 646)</p> <p>* Fraternity members who held party at private rented residence had no duty to prevent shooting of one attendee by another. Peguero v. Tau Kappa Epsilon Local Chapter (N.J.Super.A.D., 106 A.3d 565)</p> <p>Issue of fact as to whether education board owed duty to protect student from traffic precluded summary judgment on negligence claim. Mamadou S. v. Feliciano (N.Y.A.D. 1 Dept., 999 N.Y.S.2d 65)</p> <p>School district was not an additional insured under insurance policy, so as to trigger insurer's duty to indemnify. Wilson Cent. School Dist. v. Utica Mut. Ins. Co. (N.Y.A.D. 2 Dept., 999 N.Y.S.2d 440)</p> <p>Board of education was immune from liability for alleged failure to protect student who died in fight after school. Albert v. Board of Educ. of City of Chicago (Ill.App. 1 Dist., 24 N.E.3d 28)</p> <p>* Public duty doctrine did not apply to state college employee's negligence claim based on college's and instructor's alleged acts that resulted in harm. Cope v. Utah Valley State College (Utah, 342 P.3d 243)</p> <p>Court did not clearly err in finding that school district exercised ordinary care to keep shower facilities in locker room in safe condition. Halvorson v. Sweetwater County School Dist. No. 1 (Wyo., 342 P.3d 395)</p> <p>Alleged father had no right to pursue action for wrongful death of child stemming from accident on school bus. Miller v. Thibeaux (La.App. 3 Cir., 153 So.3d 1134)</p> <p>TRANSPORTATION: Insurer was not obligated to defend and indemnify school bus operator in suit arising from student-on-student sexual assault. Logan Bus Co., Inc. v. Discover Property & Cas. Ins. Co. (N.Y.A.D. 2 Dept., 999 N.Y.S.2d 108)</p>	<p>[285]</p> <p>[387]</p> <p>[18]</p> <p>[42]</p> <p>[254]</p> <p>[279]</p> <p>[288]</p> <p>[315]</p> <p>[364]</p> <p>[378]</p> <p>[394]</p> <p>[281]</p>
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CALENDAR OF EVENTS

Upcoming events of interest to educators and attorneys are listed below. Readers who wish to submit notices of conferences or seminars on education law should send a brief description of the event to: Thomson Reuters, *West's Education Law Reporter*—west.WELR@thomsonreuters.com. The publisher reserves the right to determine which notices are appropriate for publication in the *West's Education Law Reporter*.

Special Education Law Symposium The 40th Anniversary of the IDEA: The Past is Prologue SAVE THE DATE! June 21 – June 26, 2015

Please share with your colleagues via email or your favorite social media website!

Lehigh University's intensive one-week institute provides a **practical analysis of legislation, regulations, and case law** relating to the education of students with disabilities. The symposium is designed for special education coordinators and teachers, principals, psychologists, parent advocates, attorneys (on both sides), hearing officers, state officials, and other individuals interested in **legal literacy** concerning the education of students with disabilities.

The program offers two parallel tracks, one for basic that offers in-depth foundation knowledge about the IDEA and Section 504: Eligibility, FAPE, LRE, Student Discipline, and Remedies. The other track is for advanced participants, offering **brand new "hot topics"**: Settlement Process, Exiting Special Education, "Meaningful" Parental Participation, Inadequate IEP Implementation as a FAPE Denial, Transition Services, Parental Private Placements, and State Complaint Resolution Process.

The experienced program faculty features attorneys **Laura Anthony** (Ohio), **Edward Bauer** (Florida), **Maria Blaeuer** (Washington, DC), **Esther Canty-Barnes** (New Jersey), **Andrew Cuddy** (New York), **Laura Gillis** (Massachusetts), **Michael Joyce** (Massachusetts), **Isabel Machado** (New Jersey), **Deborah Mattison** (Alabama), **Kevin McDowell** (Indiana), **Michael Stafford** (Delaware), and—from Pennsylvania—**Andrew Faust**, **Joshua Kershenbaum**, **Dennis McAndrews**, **Gabrielle Sereni**, and **Dr. Perry Zirkel**.

The symposium begins on Sunday evening with a dinner and keynote lecture by Dr. Melody Musgrove, Director, Office of Special Education Programs (OSEP), U.S. Department of Education.

The workshop is offered for graduate and continuing education credit. Weekly and daily options are available. Full information will be available **by December 1** on our website: coe.lehigh.edu/law. For any questions, email or call Shannon Weber or Donna Johnson at specialledlaw@lehigh.edu or (610) 758-5557.

AN INVITATION TO BE A CONTRIBUTOR

West's Education Law Reporter

We invite manuscript submissions on a court opinion or topic of special interest in education law. **Manuscripts submitted to *West's Education Law Reporter* must not be under consideration by any other publication.** We will circulate your paper for blind review by members of the Editorial Advisory Committee and Authors Committee who will use the following criteria:

1. **Significance:** The paper should address an important issue of regional or national significance.
2. **Length:** Twenty to thirty-five double-spaced typed pages, including footnotes. More lengthy papers may be accepted on a limited basis. Use 12-point Times New Roman font, and add page numbers. Inserting a blank line between footnotes assists with edits.
3. **Substance:** Accuracy and thoroughness are important. Case commentaries should develop the fact situation leading to the trial; the trial court's holding; the procedural, statutory, and constitutional issues in dispute; and the opinion of the court, including its reliance on and distinctions from prior holdings. Topical analyses should cover the most significant holdings on the topic, trends in litigation, and contrary opinions. Empirical reports should address the objectives of the study, study design, data analysis, conclusions, and implications. Public policy essays or scholarly essays on a legal standard should provide the necessary factual background and analysis to evaluate the current policy or legal standard, and justify the arguments for any recommended changes.
4. **Review of the Literature:** The paper should identify and integrate relevant secondary sources, including those appearing in *West's Education Law Reporter*.
5. **Style:** The paper should communicate in a way that will be of interest to, and understood by, both educators and attorneys. Writing style should be clear, scholarly, and balanced. Paper should be well organized, including sections with appropriate headings. The Introduction should enumerate the order of the sections that follow.
6. **Orientation:** In general, the writing should be future-oriented, calling attention to anticipated appeals and future litigation, recommended changes in public policy, the need for additional research, and practical implications.
7. **Citations:** Court opinions and other references should be numbered in the main text and appear as footnote text at the bottom of the page. Footnotes and main text should conform to THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (19th ed. 2010), with the following exception: **All** case names in text and footnotes must be italicized. Both parallel case citations and citations to commentaries appearing in *West's Education Law Reporter* follow the same format, e.g., for cases: 570 F.3d 775, 246 Ed.Law Rep. 638 (6th Cir. 2009); and for citations to commentaries: 246 Ed.Law Rep. 589 (2009). The *Reporter* cannot accept LEXIS citations.
8. **Copies:** E-mail your document as a *Word* (.doc or .docx) file attachment to the e-mail address below.
9. **Abstract:** Include one copy of a 250–300 word abstract. Please refer to and follow the format of the FUTURE COMMENTARY section of the Advance Sheets of the *Education Law Reporter*. If you do not have access to Advance Sheets, please request an example of this format. E-mail your abstract as a separate *Word* (.doc or .docx) file attachment.

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