
SCHOOLS - TEXAS

Estate of Lance v. Lewisville Independent School Dist.

United States Court of Appeals, Fifth Circuit - February 28, 2014 - F.3d - 2014 WL 805452

Estate and parents of special-needs fourth-grade student, who locked himself inside school nurse's bathroom and took his own life, filed § 1983 action against school district, claiming violation of student's constitutional rights and disability discrimination under Rehabilitation Act. The United States District Court for the Eastern District of Texas granted district summary judgment. Appeal was taken.

The Court of Appeals held that:

- District provided free appropriate public education (FAPE) required under Rehabilitation Act;
- District was not deliberately indifferent to peer harassment in violation of Rehabilitation Act;
- § 1983 claim under special relationship theory was not actionable; and
- § 1983 claim under state-created danger theory was not actionable.

School district's reasonable response to reported incidents of student-on-student harassment of special-needs student, who ultimately locked himself in school nurse's bathroom and hanged himself, was not deliberately indifferent to harassment, as required to support parents' claim under Rehabilitation Act. District investigated two documented altercations involving student and punished all students involved, district had pattern of responding to other incidents involving student and promoting his relationship with other students, district's anti-bullying policies were appropriate and up to national standards, and district provided employee training presentation on bullying and harassment.

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