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## **LIABILITY - TEXAS**

### [Doe v. Beaumont Independent School District](#)

**United States District Court, E.D. Texas, Beaumont Division - July 14, 2022 - F.Supp.3d - 2022 WL 2783047**

Female public middle school students brought § 1983 action against school district and male former teacher, alleging violation of the Due Process Clause, for the deprivation of their rights of personal safety, security, and bodily integrity, and violations of the Equal Protection Clause in connection with relationship between former teacher and students and allegations of sexually abusive contact, and seeking damages and declaratory relief under Title IX.

School district moved to dismiss, and plaintiffs moved for protective and sealing orders.

The District Court held that:

- Student stated claim for the denial of substantive due process right to bodily integrity;
- Plaintiffs sufficiently alleged that school district's "pass the trash" policy created a breeding ground for sexual predators to exploit vulnerable schoolchildren so as to constitute a deprivation of the right to equal protection;
- Plaintiffs sufficiently alleged that school district's policy uniquely affected minor female students;
- Plaintiffs' irreparable injuries had been caused as a result of policy so as to constitute a deprivation of the right to equal protection;
- Students sufficiently alleged existence widespread practice so as to state § 1983 *Monell* claim;
- Plaintiffs sufficiently alleged causal link between policy, *Monell's* scienter requirement, and students' injuries so as to establish deliberate indifference for purposes of "moving force" element of § 1983 *Monell* claim; and
- Plaintiffs sufficiently pled actual notice to an appropriate person of employee-on-student sexual harassment and abuse to state Title IX claim.