
EDUCATION - MONTANA

Stand Up Montana v. Missoula County Public Schools

Supreme Court of Montana - December 12, 2023 - P.3d - 2023 WL 8593762 - 2023 MT 240

Parents of public school students brought action alleging that school districts' mandatory masking policies for students, staff, and visitors to schools during COVID-19 pandemic violated substantive due process.

The District Court of the Fourth Judicial District granted school districts' motion in limine and then granted summary judgment for school districts. Parents appealed.

The Supreme Court held that:

- Rational basis review rather than strict scrutiny applied for due process claim;
- Mask policies did not violate due process; and
- Expert testimony on physical effects of face mask usage on children was irrelevant to due process analysis.

Under rational basis review, school districts' mandatory masking policies for students, staff, and visitors to public schools during COVID-19 pandemic did not need to be logically consistent in every respect to be consistent with substantive due process, and they would be upheld unless they were unreasonable or arbitrary.

School districts' mandatory masking policies for students, staff, and visitors to public schools during COVID-19 pandemic did not infringe on students' and parents' fundamental rights of privacy and individual dignity and parents' rights to control the care and custody of their children, and therefore rational basis review rather than strict scrutiny applied to parents' substantive due process challenge to masking policies.

School districts' mandatory masking policies for students, staff, and visitors to public schools during COVID-19 pandemic did not violate substantive due process, where school districts, prior to adoption of policies, considered information and recommendations of reputable public and private health care providers and agencies, including the Centers for Disease Control (CDC), which all recommended universal masking.

Proffered expert testimony on physical effects of face mask usage on children, including tooth decay, halitosis, and speech impediments, was irrelevant in action raising a substantive due process challenge to school districts' mandatory masking policies for students, staff, and visitors to public schools during COVID-19 pandemic; testimony would not have aided a jury in determining whether mask policies were rationally related to stemming the spread of COVID-19.

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