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CALIFORNIA POLICY THAT PROHIBITED DISCLOSURE TO PARENTS OF STUDENT GENDER TRANSITIONING FOUND LIKELY TO VIOLATE FUNDAMENTAL PARENTAL RIGHTS

Mirabelli v. Bonta, et al., 607 U. S. ____ (2026) (The United States Supreme Court reinstated a trial court injunction suspending implementation of California school district policies precluding school employees from informing parents of their children's gender presentation at school, concluding that the policies likely violated parental rights).

BACKGROUND

Parents challenged California state policies that prevented schools from telling them about their children's efforts to engage in gender transitioning at school unless the children consent to parental notification. The parents also took issue with California's requirement that schools use children's preferred names and pronouns regardless of their parents' wishes.

Two of the parent plaintiffs expressed religious objections to gender transitioning but were not told by their daughter's school when she began to present as a boy and use a male name and male pronouns during her seventh-grade year. In parent-teacher meetings, no one told the parents about their daughter's transitioning or referred to her using the male name and pronouns that were used at school. At the beginning of their daughter's eighth-grade year, she attempted suicide and was hospitalized. Only then did her parents learn from a doctor that she had gender dysphoria and had been presenting as a boy at school. At a new school in ninth grade, the student once again began identifying as a boy. Contrary to the parents' instructions, teachers and school officials continued to use a male name and pronouns for their daughter, citing their obligations under the California state law.

Another female student sometimes also identified as a boy. When she was in seventh grade, her parents confronted the school principal about their daughter's transitioning. They believed the school was using a male name and pronouns for their daughter behind their backs. The principal explained that state law prohibited the school from sharing information about a child's transitioning with them without the child's consent.

Several teachers joined the challenge objecting to their compelled participation in the implementation of the State's policies.

The parents and teachers filed suit in the United States District Court for the Southern District of California claiming that these policies violated their rights under the Free Exercise Clause of the First Amendment and the Due Process Clause of the Fourteenth Amendment. The District Court granted summary judgment for the plaintiffs and entered a permanent injunction that prohibited schools from withholding information from parents and required adherence to parental directions on names and pronouns. The District Court

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also ordered state-created instructional materials to include notice of the rights protected by the injunction. On appeal by California, the Ninth Circuit Court of Appeals stayed the injunction pending its full review and disposition of the substance of the appeal. That temporary order subsequently was appealed to the United State Supreme Court.

DISCUSSION

The Supreme Court of the United States vacated the Ninth Circuit's stay as to the parent plaintiffs, concluding that the parents seeking religious exemptions are likely to succeed on their Free Exercise and Due Process claims.

The Court concluded that California's policies require strict scrutiny insofar as they likely substantially interfere with the right of parents to guide the religious development of their children. The Court opined that the policy of unconsented facilitation of a child's gender transition intruded upon the parents' free exercise of religion rights and would not be justifiable by a compelling interest of the state. The Court explained that the state's interest in safety of the child could be served by a policy that allows religious exemptions while precluding gender-identity disclosure to parents who likely would engage in abuse.

The court also concluded that the parents also likely would prevail on their due process claims. Under long-established precedent, parents – not the State – have primary authority with respect to "the upbringing and education of children." The right protected by these precedents includes the right not to be shut out of participation in decisions regarding their children's mental health. The Court explained that gender dysphoria is a condition that has an important bearing on a child's mental health, but when a child exhibits symptoms of gender dysphoria at school, California's policies conceal that information from parents and facilitate a degree of gender transitioning during school hours. Thus, the Court opined that these policies likely violate parents' rights to direct the upbringing and education of their children.

PRACTICAL ADVICE

The Supreme Court's decision is consistent with the recent trajectory of case law that has increasingly recognized fundamental parental rights as predominate when in tension with school district policies. *Mirabelli* follows the Supreme Court's 2025 decision in *Mahmoud v. Taylor*, 145 S. Ct. 2332 (2025), where the Court held that a school district's introduction of LGBTQ+-inclusive storybooks and its policy of not permitting opt-outs from such instruction, placed an unconstitutional burden on the parents' rights to the free exercise of their religion. These cases provide significant leverage to legal challenges to school district policies that interfere with fundamental parenting decisions.

To be clear, the Supreme Court ruling in *Mirabelli* was not a final decision on the merits. Its order only reinstated the injunction pending further review of the substance of the appeal by the Ninth Circuit. Nonetheless, the Court's opinion strongly signaled that the parents' claims were well founded.

APPEALS COURT CONFIRMS INVALIDATION OF ASSESSMENT APPEAL PROGRAMS THAT TARGET ONLY COMMERCIAL PROPERTIES

Upper Merion Area Sch. Dist. v. King of Prussia Assocs. 2026 Pa.Commw. LEXIS 34 (Pa.Commw. March 17, 2026) -- Commonwealth Court affirms lower court decision that District violated state constitutional tax uniformity principles in its selection of properties for property tax assessment appeals.

BACKGROUND

In 2011, the Upper Merion Area School District ("District") enacted Policy 605.1 for the purpose of providing guidance on the financial criteria the District would use in selecting properties for filing real property tax assessment appeals. Under the Policy's

guidelines, the District business administrator was to annually review recent real estate transactions and/or work with a third-party firm to identify properties that may be underassessed. Also the District administration was to provide to the District board's finance committee a list of those properties identified as candidates for a District-initiated real tax assessment appeal. Only under unusual circumstances would a property within an assessment of $500,000 or less be considered for such a District-initiated appeal.

The District had filed 82 tax assessment appeals, all of which were related to commercial or industrial properties and none of which included single family residential properties, even though such properties could fall within the financial guidelines of Policy 605.1. The school district hired a third-party consultant, Keystone Realty Advisors ("Keystone"), to help select properties for tax assessment appeal. But Keystone, did not evaluate any single-family residential properties or recommend any such parcels to the District for an appeal.

Keystone did recommend several properties for appeals, five of which were parcels in a mall owned by King of Prussia Associates ("KOPA"). In 2012 the District filed tax appeals on four of these mall parcels. The appeals resulted in no changes to the assessments. The District then appealed to the Court of Common Pleas of Montgomery County. The trial court determined that the District's selection of properties for appeals under Policy 605.1 and the District's implementation of that policy violated the tax uniformity provision of the Pennsylvania Constitution. That language provides that "[a]ll taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax…" After the Common Pleas Court's denial of the District's assessment appeals, District appealed to Commonwealth Court.

DISCUSSION

As a preliminary matter, the District denied that the selection of the KOPA properties had nothing to do with Policy 806.5. Evidence reflected that the District's decision to file appeals against KOPA properties arose from articles in business journals concerning the pending sale of interests in those properties, such articles being published prior to the enactment of Policy 605.1 in July 2011. Also, Keystone's consulting contract with the School District excluded mall properties. However Commonwealth Court concluded that regardless of what prompted the District to consider appeals on KOPA parcels, the appeals in question were filed after enactment of Policy 605.1.

More important, the District argued that the trial court erred in its weighing of the evidence and its findings that the District purposely and unconstitutionally excluded all residential properties from consideration. The District pointed to lower court testimony indicating that the $500,000 threshold valuation in the policy was based on a projected return of the conducting an appeal. But the District acknowledged that the District did not pursue a single tax assessment appeal against any residential property during the tenure of the business administrator who developed Policy 806.5. The record also showed that the District administration conceded that Keystone did not mention any work regarding residential properties, and the District knew the advisor's focus was on commercial and industrial properties.

The District also contended that the trial court misunderstood the import of Pennsylvania Supreme Court's decision in *Valley Forge Towers* case and misapplied the reasoning of that decision in concluding that the District Policy violated the state constitution's uniformity clause. Commonwealth Court rejected this, reiterating the finding in *Valley Forge Towers* that in taxpayer appeal cases, valuable evidence relating to other similar properties in the same subclass may be considered in determining whether the properties are over assessed. A taxing authority, however, is not permitted to implement a program of appealing only the assessments of one subclassification of properties, regardless of whether that use is commercial, single-family, or industrial. (Interestingly, the District was the defendant also in *Valley Forge Towers*.)

The District insisted, however, that this case was governed by the Commonwealth Court's decision in *Coatesville Area Sch. Dist. v. Chester County Bd. of Assessment Appeals*, 323 A.3d 61 (Pa. Commw. 2024),

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which allowed a program that established monetary thresholds for appeals. The District insisted that its use here of a monetary threshold of $500,000 was proper and that the tax appeal selection policy approved by Commonwealth Court in Coatesville was similar to the present case. The District argued that the mere fact that a program did not result in a single appeal of residential property did not mean that the policy was being implemented in an unconstitutional manner. However, the Court said that the obvious flaw was that unlike in *Coatesville*, there were specific factual determinations the District's consultant focused on commercial properties for assessment appeals and that Policy 605.1 was largely designed to carry out this purpose.

In conclusion, the Commonwealth Court held the lower court did not err in finding that the District intentionally excluded single family residential properties from consideration from tax assessment appeals and that it did formulate Policy 605.1 with that intention. Accordingly, Commonwealth Court agreed with the Court of Common Pleas that the Policy violated the uniformity clause, and such appeals violated the state tax uniformity clause.

PRACTICAL GUIDANCE

Neutral tax appeal policies will likely pass constitutional muster with the courts. In enacting such an appeal policy or in following a program, however, taxing bodies must ensure a factual record does not exist reflecting district's intent is to avoid appeals against residential properties. The execution of any tax appeal program policy must be done in an even-handed manner.

WHEN SCHOOLS SPEAK ABOUT EMPLOYEES: DEFAMATION AND IMMUNITY AFTER A STUDENT-SAFETY INCIDENT

Dorothy A. Lanza v. Mark Getz, et al., No. 5285 CV 2025 (Crt. of Common Pleas of Monroe Co. 2026)

ABSTRACT

In *Lanza v. Getz*, et al., the Court of Common Pleas of Monroe County sustained the Stroudsburg Area School District's preliminary objections, in effect dismissing the defamation complaint of a district employee against the school district, superintendent, and a district principal. The decision highlights the broad protections Pennsylvania public school districts possess against defamation suits and reinforces the right of districts to communicate with parents and guardians about incidents affecting students' safety and welfare.

BACKGROUND

In Spring 2025, Mark Getz, the principal of Hamilton Elementary School in the Stroudsburg Area School District, learned that a group of first-grade students had returned to class from their lunch period with blue painter's tape over their mouths. Lunch monitor Dorothy Lanza, a district employee, admitted she had distributed pieces of the blue tape to a group of children who she deemed had become "unnecessarily noisy" and required tape to "keep quiet." Lanza claims that after handing tape to the first graders, "some of the students may have placed those pieces of tape over their own mouths while playing." Upon learning of this incident, Principal Getz wrote a letter to all parents and guardians of children enrolled in the elementary school, advising them that "some students were observed to have blue painter's tape on their mouths placed there by a staff member during lunch today." Principal Getz communicated that the staff's behavior was not expected or directed by the district, that a full investigation was underway, and that the safety and well-being of the students was the district's top priority. In time, Principal Getz's letter reached local news outlets, which reported the story, including components of Principal Getz's statement. The story also gathered attention on social media. As a result, Dorothy Lanza sued the district, the superintendent, and Principal Getz for defamation, alleging that the district's statements falsely stated that Lanza, herself, placed tape on the students' mouths when she claims she only handed tape to the students. Lanza claimed

that the district's publication of this false statement caused harm to her reputation and subsequent eligibility for employment in other school districts. The district defendants, including the principal and superintendent, filed preliminary objections seeking dismissal of portions of Lanza's complaint for legal insufficiency. The Court of Common Pleas of Monroe County granted the defendants' preliminary objections, which had the effect of dismissing Lanza's complaint in its entirety. The court granted Lanza leave to amend her complaint to raise any claims for violations of her civil rights.

DISCUSSION

The district succeeded in obtaining dismissal of the defamation suit because of the court's application of several well-settled principles of Pennsylvania law.

First, the court recognized that the Hamilton Elementary School was not a proper defendant to the suit because the school was a subsidiary of the school district, not a "legal entity separate and apart from the district." The court reiterated that "in the absence of any evidence that the school is a legal entity separate from the district, there is no basis to name the school as a direct defendant."

Next, the court examined Lanza's claims for defamation in the context of Pennsylvania's Political Subdivision Tort Claims Act, a state statute which provides broad immunity to civil personal injury suits for any local governmental agency except in specific enumerated categories. Specifically, Section 8541 of the Tort Claims Act provides, "except as otherwise provided in this subchapter, no local agency shall be liable for any damages on account of any injury to a person or property caused by any act of the local agency or an employee thereof or any other person." 42 Pa.C.S.A. § 8541. Under the Tort Claims Act, the only types of injury claims that may proceed against a local agency are for acts of a local agency or its employees relating to: 1) vehicle liability; 2) care, custody, or control of personal property; 3) real property; 4) trees, traffic controls, and street lighting; 5) utility service facilities; 6) streets; 7) sidewalks; 8) care, custody, or control of animals; and 9) sexual abuse. 42 Pa.C.S.A. § 8542(b). Because defamation is not one of these nine enumerated exceptions to immunity, Lanza's defamation claim could not proceed. The court reiterated the longstanding Commonwealth Court rule that "school districts are immune from suit in a cause of action sounding in defamation." *Petula v. Mellody*, 631 A.2d 762, 765 (Pa. Cmwlth. Ct. 1993). Accordingly, the court dismissed Lanza's defamation claim against the district.

The court then turned to Lanza's claims against the individual defendants – the superintendent and principal. Sections 8545 and 8550 of the Tort Claims Act provide that individual employees of local government agencies are liable for civil injury damages under the Act to the same extent as their employer, except that if the employee's actions constitute a crime, actual fraud, malice, or willful misconduct, the employee will not enjoy any of the Act's immunity. See 42 Pa.C.S.A. § 8545, 8550. While Lanza had claimed that the principal and superintendent had acted maliciously and with deliberate indifference to her reputation when they published their statement, the court looked beyond Lanza's conclusory assertions to the actual nature of her claims. Because the essence of Lanza's claims was that the individual defendants failed to conduct an appropriate investigation before distributing the letter to parents, the claims actually "sounded in negligence" rather than malice or willful misconduct. In other words, because Lanza's allegations were that the defendants harmed her through omissions of reasonable care rather than intentional acts, Lanza had claimed no more than negligence. Because the employer school district could not be held liable for negligence under the Tort Claims Act, neither could the individual defendants. Likewise, Principal Getz's statement that he was still investigating the matter contradicted a finding that he had any deliberate intent to injure Lanza. Likewise, the court held that the superintendent was entitled to absolute immunity from civil suit for actions in his official duties because he is a "high public official." Accordingly, the court dismissed the defamation claims against the principal and superintendent.

Lastly, the defendants challenged whether Lanza could satisfy the first threshold element of a defamation claim, which is that the communication at issue is

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"capable of defamatory meaning." In other words, the statement must produce such an effect on the intended audience that it tends to "blacken" the plaintiff's reputation or expose the plaintiff to "public hatred, contempt, or ridicule." The court reiterated that when analyzing this question, the alleged defamatory statement must be viewed in its factual context, not in a vacuum. Additionally, only statements of fact, and not expressions of opinion, can form the basis for a defamation action. Applying these principles to the district's statements about Lanza, the court held that the district's letter to the parents was not capable of a defamatory meaning. Central to the court's conclusion was that the district's statements did not identify Lanza by name or position. As such, there was no reason parents and guardians reading the district's letter would, from its language, conclude that it referred to Lanza; and, therefore, the statement itself would not have blackened Lanza's reputation. Accordingly, the court granted two preliminary objections dismissing Lanza's defamation claims because the allegedly defamatory statement would not have been understood by parents as referring to her.

PRACTICAL ADVICE

This decision offers several important lessons for public school districts when communicating with parents/guardians about employee conduct:

1. **Communicate promptly but emphasize that investigation is ongoing.**

   This case supports a district's ability to notify parents about a serious student-related incident while investigation is still underway, particularly where the communication is framed as an institutional response focused on student safety and policy compliance. The court in Lanza repeatedly noted that the principal's letter stated the matter was being investigated, emphasized student well-being, and did not purport to give a final adjudication of employee wrongdoing. These factors evidenced that the principal did not make the statement with malice or intent to defame Lanza. The takeaway for public districts is to keep communications factual, limit statements to necessary information, and expressly acknowledge when facts are still being gathered.

2. **Do not unnecessarily identify the employee in parent/guardian communications.**

   A central point in the court's analysis was that neither the principal's letter nor the superintendent's statement identified the responsible employee by name, and the court found no reason parents would necessarily understand the statements as referring to her. That lack of identification helped defeat essential elements of the employee's defamation claim. As a practical matter, school districts should generally describe the incident and the district's response without naming the employee or including details that would readily single the person out, unless disclosure is clearly necessary or otherwise legally required. Avoid exaggerated or accusatory language that could invite an argument that the district official acted with malice or intent to harm an employee's reputation.

3. **Route communications through the superintendent.**

   In *Lanza*, the district benefitted from the immunities provided by the Political Subdivision Tort Claims Act and Pennsylvania common law (i.e. court precedent). The court applied the "high public official" common law doctrine to hold that the superintendent was personally immune to liability for statements made in his official capacity, leading to the superintendent's dismissal from the case. Districts should route sensitive communications through the superintendent, when practical, or other appropriate administrators, and should ensure the communication plainly falls within the administrator's official duties.

ATTORNEYS' FEES AWARDED FOLLOWING PARTIAL IDEA SUCCESS IN TUITION REIMBURSEMENT DISPUTE

Anna C. v. Colonial Sch. Dist., No. 24-6313, 2026 U.S. Dist. LEXIS 24309 (E.D. Pa. Feb. 5, 2026).

BACKGROUND

Upon moving into the Colonial School District, the parent of a student with multiple language-based learning disabilities believed that the School District did not offer the student a timely IEP (Individualized Education Program). For the 2023-2024 school year, the student's parent enrolled her at a private school. The parent again enrolled the student in the private school for the 2024-2025 school year claiming that the IEP offered by the School District could not provide a FAPE (Free Appropriate Public Education). The parent filed a due process complaint seeking tuition reimbursement for the 2023-2024 and 2024-2025 school years.

The hearing officer denied the parent's request for tuition for the 2024-2025 school year and granted the request for the 2023-2024 school year. The parent filed an appeal, but the parties settled the tuition reimbursement claim but not the parent's claim for attorneys' fees.

The School District believed that the parent's request for reimbursement of their attorneys' fees and costs was unreasonable. The parties litigated the issue before the United States District Court for the Eastern District of Pennsylvania.

DISCUSSION

In special education cases, the IDEA (federal law governing special education) provides that "[i]n any action or proceeding brought under this section, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing party who is the parent of a child with a disability." 20 U.S.C. § 1415(i)(3)(B)(i)(I). Since the parent in this case was deemed to have prevailed on at least a portion of her claim, she was considered a prevailing party under the IDEA. When awarding prevailing party attorneys' fees, courts use the "lodestar" method to calculate whether an award is reasonable. The lodestar multiplies the reasonable number of hours worked by a reasonable hourly rate. *Augustyn v. Wall Twp. Bd. of Educ.*, 139 F.4th 252, 259 (3d Cir. 2025). Generally, the lodestar amount determined is used by the court to award prevailing party fees; however, in "rare circumstances in which the lodestar does not adequately take into account a factor that may properly be considered in determining a reasonable fee," a court may deviate. *Souryavong v. Lackawanna Cnty.*, 872 F.3d 122, 128 (3d Cir. 2017).

Courts examine the prevailing market rates in the relevant legal community to determine whether the hourly rate sought by an attorney is reasonable. *Maldonado v. Houstoun*, 256 F.3d 181, 184 (3d Cir. 2001). The Court permitted the lead attorney who had over 25 years of experience to bill at his requested rate of $685 per hour. It was noted that attorneys in that area with similar years of experience have been charging $735-850 per hour.

Next, the Court reviewed the number of hours reasonably spent to litigate the due process matter and federal court fee petition. While the Court made several minor hourly reductions for what it believed to be excessive time preparing or drafting pleadings, overall, the parent's attorneys were able to recover most of the fees billed. The parent also sought and was reimbursed for their expense to retain expert witnesses for the due process hearing. In total, attorneys' fees of $479,967.50 and additional costs of $19,860.95 were awarded.

PRACTICAL ADVICE

Where a parent has engaged an attorney in a special education matter, reimbursement of the parent's fees is a potential factor for school districts. When a school district settles a case or a parent prevails in whole or in part at a due process hearing, in general a school district must reimburse a portion or the entirety of the parent's legal fees and costs. When possible, early and quick resolution of cases is advised to avoid additional fees.

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