

## ***GEBSER v. LAGO VISTA INDEPENDENT SCHOOL DISTRICT (1998)***

### **Facts**

In the spring of 1991, thirteen-year-old Alida Star Gebser was an eighth-grade honor student in Lago Vista, Texas. Her teacher, Trudy Waldrop, recommended that she join a book discussion group at the local high school, led by her husband, Frank Waldrop (a teacher of advanced social studies). During some of the sessions, Mr. Waldrop made sexually suggestive comments to the book group. In the fall, Alida started high school and had Mr. Waldrop for classes both semesters that year. He continued to make inappropriate remarks to Alida in class, when alone with her in the classroom, and at her home, where he was mentoring her. (Alida later testified that she knew Mr. Waldrop's behavior was improper, but she didn't know what to do. His class was the school's only advanced program, and she wanted to stay in it.)

Over the next year, this student-teacher relationship progressed to kissing, fondling, and eventually sexual intercourse. Alida didn't report Mr. Waldrop's behavior. The parents of two other students complained to the school principal about the comments the teacher made in class. Then in early 1993, a police officer discovered Alida and Mr. Waldrop having sex in a parked car. Mr. Waldrop was fired, and his teaching license was revoked.

Alida and her mother sued Mr. Waldrop and the school district, claiming **negligence** and **discrimination** based on sex. In other words, Alida argued that she was treated differently by Mr. Waldrop because she was a girl. Alida and her mother also held the school district responsible for failing to prevent the teacher's misconduct.

### **You be the Judge**

- Should the school district be held responsible for Mr. Waldrop's behavior? Why or why not?
- Does it matter whether the school knew about the teacher's behavior?

### **The Ruling**

The federal court of appeals dismissed the lawsuit against the school district and sent the case back to the trial court for a decision against Mr. Waldrop. Alida **appealed** to the U.S. Supreme Court which, in a five to four decision, agreed with the lower court.

This was a close decision that, at first glance, may surprise you. How could a school district not be held responsible for the behavior of one of its teachers? (Especially over a lengthy period of misconduct, affecting not just one, but a number of students.) Whose responsibility is it to protect students from adult predators? These are good questions, without easy answers.

The U.S. Supreme Court based its decision on a narrow, limited interpretation of what Congress intended when it passed Title 9 of the Education Amendments in 1972. This is a federal law aimed at protecting individuals from discrimination in any educational program or activity that receives federal money. This includes all public schools.

The Court didn't rule that school districts were responsible for every discriminatory act of their employees (teachers, administrators, etc.). School districts can't be held accountable for sexual harassment by a teacher against a student if the incident isn't reported or known by the school district. Although sexual harassment may be discrimination on the basis of sex, the school district must know about the misconduct and have an opportunity to remedy it. If the district knows about the behavior and does nothing, *then* it may be held responsible.

Otherwise, if action is taken— as in this case, where Mr. Waldrop was fired and his license revoked— the school district isn't liable for damages to Alida. (Liability, in this instance, means being legally responsible for any expenses Alida had as a result of the teacher's harassment, such as counseling or medication.) The Court pointed out that the school district wasn't informed of the sexual harassment incidents during the months of misconduct. The principal was only told about the inappropriate comments made by Mr. Waldrop in class and, once the teacher was caught with Alida, immediate action was taken.

The Court said its decision wasn't meant to prevent Alida and her mother from suing Mr. Waldrop as an *individual*. The family just couldn't sue the school district under the Federal Education Law or in federal court.

Four of the U.S. Supreme Court justices disagreed with the majority opinion. In a **dissenting opinion**, Justice John Paul Stevens wrote: "As long as school boards can insulate themselves from knowledge about this sort of conduct, they can claim immunity from damages liability." (In other words, schools shouldn't be allowed to claim ignorance of misconduct and thereby avoid responsibility.)

Justice Sandra Day O'Connor wrote the majority decision, concluding with this statement: "The number of reported cases involving sexual harassment of students in schools confirms that harassment unfortunately is an all too common aspect of the educational experience. No one questions that a student suffers extraordinary harm when subjected to sexual harassment and abuse by a teacher, and that the teacher's conduct is reprehensible and undermines the basic purposes of the educational system."

As a result of this case, public schools across the country are working to develop sexual harassment policies and make sure staff and students are aware of them. Students have a right to be free from sex discrimination, and schools have a duty to take reasonable steps to prevent and be aware of all forms of harassment.