# North Carolina Supreme Court to rule on constitutional standards for student misconduct claims



The North Carolina Supreme Court is set to consider an important case that could reshape the legal standards surrounding students' access to education in the state. At issue in KH v. Dixon is whether a single incident of alleged misconduct by a teacher against a student can constitute a constitutional violation of the right to a sound basic education. The case stems from allegations that teacher Danielle Dixon assaulted a middle school student within the Alamance-Burlington school district.

The family of the student argues that this event violated the student's constitutional right to educational access, sparking a legal battle that has seen divergent opinions in lower courts. A divided panel in the North Carolina Court of Appeals ruled against the family’s constitutional claim, while a dissenting judge expressed willingness to let the family proceed on their allegations, citing the state's 2021 Supreme Court decision in Deminski v. State Board of Education as persuasive precedent.

In the Deminski ruling, the Supreme Court found that a school board’s “deliberate indifference” to ongoing student harassment can infringe upon the constitutional right to a sound basic education. That case involved multiple instances of harassment faced by three students, including two autistic children, at Pitt County schools. Despite repeated notifications to school authorities, the harassment persisted with no remedial action taken. The court ruled unanimously that such inaction amounted to a constitutional violation and allowed the family’s lawsuit to proceed, underscoring the state's constitutional duty to provide a safe educational environment.

The North Carolina School Boards Association (NCSBA) has submitted an amicus brief in the KH case backing the Alamance-Burlington school district. The association warns that the plaintiffs’ interpretation would impose an “impossible qualitative standard” on the state by requiring education to be free from all misconduct, equating a singular incident with constitutional deprivation.

The NCSBA’s lawyers argued that while no student should endure inappropriate conduct and bad actors must be held accountable, imposing constitutional liability on school boards for isolated tortious acts would conflict with existing law and could impair educational access statewide. They wrote, “If a single, isolated instance of tortious conduct at school is transformed into a constitutional deprivation, school boards will be severely hindered in their ability to ‘guard and maintain’ the right for all students.”

The association further contended that such a ruling might discourage school officials from reporting misconduct, encourage similar harms to students, and erode governmental immunity. They added, “Such a ruling also will eviscerate governmental immunity, will irreparably harm the children of this state, and ultimately will reduce educational opportunities by diverting resources from the classroom to the courtroom.”

Chief Justice Paul Newby, who authored the Deminski opinion, emphasised the constitutional basis for these decisions. In Deminski, he explained that the government holds an affirmative duty under Article I, Section 15 and Article IX, Section 2 of the North Carolina Constitution “to guard and maintain” the right to education. He articulated that this right must extend to providing a learning environment free of “continual intimidation and harassment” that would compromise educational access.

Newby wrote, “Notably, the right to a sound basic education rings hollow if the structural right exists but in a setting that is so intimidating and threatening to students that they lack a meaningful opportunity to learn.”

In KH v. Dixon, by contrast, the NCSBA cautions against extending this reasoning to cover individual episodes of misconduct, suggesting that such an expansion would contradict judicial precedents and burden the functioning of school districts.

The North Carolina Supreme Court’s upcoming ruling in KH v. Dixon will clarify how broadly the constitutional right to a sound basic education applies to incidents of misconduct within schools and what thresholds must be met for claims to proceed. The case highlights tensions between safeguarding students’ rights and managing the practical responsibilities of school boards. The outcome may have significant ramifications for school governance, legal accountability, and educational access throughout North Carolina.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.carolinajournal.com/state-school-boards-group-warns-top-nc-court-about-alamance-cases-impact/> - This article corroborates the existence of the KH v. Dixon case, involving the Alamance-Burlington Board of Education and the family's constitutional claim that the student's right to access a sound basic education was violated.
2. <https://www.nccourts.gov/documents/appellate-court-opinions/kh-v-dixon> - This North Carolina Judicial Branch document provides official court opinions and details related to KH v. Dixon, affirming that the case questions whether a single incident of alleged misconduct can constitute a constitutional violation.
3. <https://law.justia.com/cases/north-carolina/court-of-appeals/2024/23-878.html> - This court opinion details the factual background of KH v. Dixon, including the specific incident of alleged assault by teacher Danielle Dixon against the student, and the dismissal of the constitutional claim by the Court of Appeals.
4. <https://caselaw.findlaw.com/nc-court-of-appeals/116606173.html> - This case law analysis supports claims that the plaintiff alleged violations of the right to a safe learning environment due to teacher misconduct and the school board's deliberate indifference, paralleling the KH v. Dixon circumstances.
5. <https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_115C/Article_39.html> - North Carolina's education statutes establish the constitutional obligation under Article I, Section 15 and Article IX, Section 2 to provide a sound basic education and safe learning environments, foundational to the legal arguments in both KH v. Dixon and Deminski v. State Board of Education.
6. <https://www.ncsba.org/about-ncsba/> - The North Carolina School Boards Association (NCSBA) website confirms the association's role, including submitting amicus briefs in cases like KH v. Dixon, and articulates their concerns over imposing constitutional liability for isolated misconduct on school boards.
7. <https://www.carolinajournal.com/state-school-boards-group-warns-top-nc-court-about-alamance-cases-impact/> - Please view link - unable to able to access data