



## **Federal Court Found That School Violated Student's Privacy Rights When It Disclosed Student's Sexual Orientation**

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In the case of *Wyatt v. Kilgore Independent School District*, a Fifth Circuit federal district court in Texas recently ruled that a student had a valid claim for violation of her due process right to privacy after school officials disclosed her sexual orientation to her mother.

The student in *Wyatt*, S.W., was a softball player at the school, who became involved in a dispute with the teams' coaches. The two coaches met with S.W. and questioned her about a relationship with a former student and about an alleged rumor S.W. had spread about the former student being one of the coaches' former girlfriends. S.W. alleged that in addition to the meeting with the two coaches, the coaches also disclosed to her mother that she was a lesbian. S.W.'s mother filed suit on her behalf against the school district and the coaches, arguing that they had violated S.W.'s due process right to privacy by disclosing her sexual orientation to her mother.

In determining whether there is a constitutional right to prevent the unauthorized disclosure of one's sexual orientation, the court noted that there are two branches of privacy rights—those that pertain to autonomy and those relating to confidentiality. The court concluded that it was the confidentiality branch, which protects an individual's disclosure of personal matters, which was implicated by S.W.'s claim. The court then applied a balancing test, which involved balancing legitimate state interest with the threat to the individual's privacy.

After reviewing precedent from other circuits and the Supreme Court, the court found that an individual's sexual orientation is subject to confidentiality based on the Supreme Court's protection of an individual's right to make decisions regarding intimate conduct and the Fifth Circuit's protection of information of a sexual nature. Applying the balancing test to the facts of the case, the court found that the coaches did not have a legitimate interest in disclosing S.W.'s sexual orientation to her mother that outweighed her interest in keeping the information private. The court noted that a reasonable person could conclude that the coaches were not motivated by the need to protect S.W. but rather were retaliating against S.W. for spreading a rumor about one of the coaches.

Although the *Wyatt* decision is not binding on Illinois federal or state courts, since there is no Illinois case law on this issue, courts might find the decision persuasive.



### **More Information**

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