



Contents

[Case of the Month](#)

[From the Courts and Attorney General](#)

[Recent Regulations and Guidance](#)

[Policy Spotlight](#)

[In the News](#)



Case of the Month

Student failed to provide sufficient evidence to overcome dismissal of his claims that his removal from the classroom violated his First, Fourth, and Fourteenth Amendment rights.

Following a dispute with his instructor during a lab exercise, Joseph Soliz, a student at Alamo Colleges, was asked by his instructor not to return to class the following day. His instructor, Roy Ruiz, explained that Soliz's behavior had been disruptive, combative, and had created a safety risk. Despite the request, Soliz attended class again. Ruiz informed him that if he did not leave, he would be escorted out by campus police. Soliz refused to leave, was removed from class by campus police, and was subsequently prohibited from returning to class until additional safety measures were implemented. Soliz filed suit against the college and college administrators, claiming, in part, that his removal from class constituted an unconstitutional seizure in violation of the U.S. Constitution Fourth Amendment, [U.S. Const. amend IV](#), a denial of educational opportunities in violation of the U.S. Constitution Fourteenth Amendment, [U.S. Const. amend XIV](#), and retaliation in violation of the U.S. Constitution First Amendment, [U.S. Const. amend I](#). The college filed a motion to dismiss Soliz's claims.

Turning first to the Fourth Amendment claim, the federal district court reasoned that, assuming Soliz was detained by campus police when he was removed from class, the detention was reasonable because it was supported by probable cause of a trespass when Soliz attended class despite his instructor's directive. The court similarly rejected Soliz's argument that his temporary ban from class constituted a violation of the Fourteenth Amendment, citing U.S. Fifth Circuit Court of Appeals precedent that no protected property interest is implicated in a school's denial to offer a student a particular curriculum, absent a basis in state law. Further, the court emphasized that Soliz's payment of tuition or fees to the college did not create a protected liberty interest or a contractual right between Soliz and the college. Lastly, the court found that Soliz failed to state a viable retaliation claim under the First Amendment because he was not engaged in a constitutionally protected activity when he was removed from the classroom, and Soliz's displeasure in his instructor's method of discipline did not constitute retaliation on the part of the college. The court dismissed Soliz's claims.

[Soliz v. Alamo Coll. Dist.](#), No. 5:25-CV-0930-DAE, 2026 WL 2751683 (W.D. Tex. Sept. 16, 2026) (adopting the report and recommendation in [Soliz v. Alamo Coll. Dist.](#), No. 5:25-CV-00930-DAE-RBF, 2026 WL 2752108 (W.D. Tex. Aug. 28, 2026)).

Why is This Case Significant?

A student does not have a protected liberty interest in a particular curriculum under the Fourteenth Amendment, nor does the denial of access to that curriculum violate a protected property interest based in an independent source of law.

Highlights

Coming Soon: Update 52 to the Community College Policy Reference Manual.

The [Community College Legal and Policy Reference Library](#) (CCLPRL) is now available. Contact us to subscribe.

Updated on eLaw:
[Nepotism Chart](#)

Resources

[Texas Higher Education](#)

[Coordinating Board](#)

[Texas Legislature](#)

[Texas Statutes](#)

[Texas Attorney General](#)

[U.S. Department of Education](#)



From the Courts and the Attorney General

Governance

State and local governmental agencies may utilize the federal [Systematic Alien Verification for Entitlements](#) (SAVE) program, which was modified by the president's [Executive Order 14248](#), to verify the citizenship status of registered voters and individuals registering to vote while litigation challenging the modifications to the program remains pending. [Dep't of Homeland Sec. v. League of Women Voters](#), No. 26A308, 2026 WL 2879700 (U.S. Sept. 25, 2026) (per curiam).

Business and Finance

Nonprofit organization's request to temporarily enjoin the U.S. Department of Education (ED) from publicly disclosing the names or other identifying information of foreign donors or parties to a contract that were reported by educational institutions pursuant to [20 U.S.C. § 1011f](#) was granted. [Ass'n of American Univs. v. U.S. Dep't of Educ.](#), No. 26-CV-3438 (TSC), 2026 WL 2969764 (D.D.C. Oct. 1, 2026).

Governmental immunity does not bar a taxpayer's common law claim for declaratory relief seeking a refund of improperly collected tax penalties and interest. [Oncor Elec. Delivery Co. v. Smith Cnty. Tax Assessor-Collector](#), No. 12-25-00282-CV, 2026 WL 3078700 (Tex. App.—Tyler Oct. 14, 2026, no pet. h.).

Personnel

Former university police officer, who was a witness in a sexual misconduct investigation involving another officer and was subsequently placed on administrative leave after lying about recording a phone call with investigators during a separate but related investigation, provided sufficient evidence to overcome summary

judgment on his claims that the university police department retaliated against him in violation of [Title VII of the Civil Rights Act of 1964](#). [Crawford v. W. Tex. A&M Univ.](#), No. 25-10887, 2026 WL 2795827 (5th. Cir. Sept. 18, 2026).¹

Black instructor, who alleged that the college denied her the ability to teach certain courses beyond her ordinary teaching load and excluded her from remote work after she raised complaints, failed to plead sufficient facts to overcome dismissal of her claims that the college discriminated against her on the basis of race and retaliated against her in violation of [42 U.S.C. § 1981](#). [Cary v. Houston Comm. Coll.](#), No. 4:25-CV-06047, 2026 WL 2962898 (S.D. Tex. Sept. 30, 2026) (mem.).

African American former employee, who alleged that he was forced to either quit his position or be fired and whose replacement was a white man, failed to provide sufficient evidence to overcome dismissal of his claim that the university wrongfully discharged him based on his race in violation of the [Texas Commission on Human Rights Act](#) (TCHRA). [Univ. of Houston-Clear Lake v. Young](#), No. 14-25-00142-CV, 2026 WL 30000521 (Tex. App.—Houston [14th Dist.] Oct. 6, 2026, no pet. h.) (mem. op.).

Students and Instruction

ED's internal agency directive dated February 5, 2025, that mandated the termination of any grant program that promotes Diversity, Equity, and Inclusion (DEI) and resulted in the cancellation of over 90% of the then-existing Teacher Quality Partnership and Supporting Effective Educator Development grants, violates the federal [Administrative Procedure Act](#). [Cal. v. U.S. Dep't of Educ.](#), No. 25-CV-10548-AK, 2026 WL 2754968 (D. Mass. Sept. 17, 2026).²

¹ This case was previously summarized in the [July 2025](#) TASB Community College Services Legal Update.

² This case was previously summarized in the [April 2025](#) TASB Community College Services Legal Update.

Student, whose [Title IX of the Education Amendments of 1972](#) complaint against another student for rape ended in an informal resolution and who alleged that a university failed to provide reasonable accommodations following the resolution, pled sufficient facts to overcome dismissal of her claims that the university responded with deliberate indifference and maintained a custom that creates a heightened risk of sexual assault among students in violation of Title IX, including that the university withheld a preliminary draft of its investigative report and investigated only a fraction of the sexual misconduct reports that it received in that academic year. [Justice v. Bd. of Regents of Tex. Tech Univ. Sys.](#), No. 5:25-CV-237-H, 2026 WL 2836895 (N.D. Tex. Sept. 22, 2026) (mem.).

Former medical student, who has a neurodevelopmental disability and associated anxiety, and who posted an allegedly disruptive and threatening message on social media and was subsequently dismissed from the university following a disciplinary hearing, failed to plead sufficient facts to overcome dismissal of his claims that the university and certain university officials failed to accommodate his disabilities in the hearing in violation of the federal [Americans with Disabilities Act](#) (ADA), interfered in the exercise of his rights and retaliated against him for exercising those rights in violation of the federal [Rehabilitation Act Section 504](#), violated his procedural due process rights in violation of the U.S. Constitution [Fourteenth Amendment](#), and retaliated against him in violation of the U.S. Constitution [First Amendment](#). [Bass v. Tex. Tech Univ. Health Sci. Ctr.](#), No. 5:25-CV-244-H, 2026 WL 2866436 (N.D. Tex. Sept. 23, 2026) (adopting the report and recommendation in [Bass v. Tex. Tech Univ. Health Sci. Ctr.](#), No. 5:25-CV-244-H-BV (N.D. Tex. July 14, 2026)).

Former student, who developed monkeypox symptoms while living in on-campus housing and was instructed by health officials to quarantine until he was free of certain symptoms, failed to plead sufficient facts to overcome dismissal of his claims that certain university officials failed to provide adequate housing, academic, and disability-related accommodations in violation of the [ADA](#) and

[Section 504](#). [McMillan v. Univ. of Tex. at El Paso](#), No. EP-25-CV-00354-DB, 2026 WL 2916956 (W.D. Tex. Sept. 26, 2026) (adopting the report and recommendation, as modified, in [McMillan v. Univ. of Tex. at El Paso](#), No. 3:25-CV-00354-DB-LE, 2026 WL 2921251 (W.D. Tex. Aug. 6, 2026)).

Former graduate student, who was dismissed from her PhD program after the university determined that she made false allegations of sexual misconduct, failed to provide sufficient evidence to overcome dismissal of her claims that the university discriminated against her on the basis of sex and retaliated against her for reporting the alleged misconduct in violation of [TCHRA](#). [Doe v. Baylor Coll. of Med.](#), No. 4:22-CV-02416, 2026 WL 2957975 (S.D. Tex. Sept. 30, 2026) (mem.).

Community and Governmental Relations

University, which relied on a prior Texas Attorney General Open Letter Record Ruling addressing allegedly similar information to withhold certain DEI documents from a requestor under the [Texas Public Information Act](#) (PIA), failed to produce sufficient evidence of the applicability of a confidentiality exemption under the PIA to justify the withholding, but did properly withhold certain documents pursuant to Texas Government Code section 552.114, which exempts student records from disclosure. [Beckom v. Tex. A&M Univ.](#), No. 15-25-00124-CV (Tex. App.—15th Dist. Sept. 24, 2026, no pet. h.) (mem. op.).

Open Records Letter Rulings

This month, the attorney general issued Open Records Letter Rulings³ based on requests from Texas community colleges related to:

- Information related to a certain request for proposals. Tex. Att'y Gen. [OR2026-40865](#) (Sept. 16, 2026), [OR2026-42400](#) (Sept. 23, 2026), [OR2026-44355](#) (Oct. 2, 2026);
- Information related to certain vendors. Tex. Att'y Gen. [OR2026-40907](#) (Sept. 16, 2026);
- Information related to an employee. Tex. Att'y Gen. [OR2026-41124](#) (Sept. 17, 2026);
- Information related to a contract. Tex. Att'y Gen. [OR2026-41155](#) (Sept. 17, 2026), [OR2026-41838](#) (Sept. 21, 2026), [OR2026-44720](#) (Oct. 6, 2026);
- Surveillance camera footage. Tex. Att'y Gen. [OR2026-41172](#) (Sept. 17, 2026), [OR2026-45430](#) (Oct. 8, 2026);
- Information related to a bidding situation. Tex. Att'y Gen. [OR2026-41214](#) (Sept. 17, 2026), [OR2026-43166](#) (Sept. 28, 2026);
- Information pertaining to certain services. Tex. Att'y Gen. [OR2026-41762](#) (Sept. 21, 2026);
- Information related to an investigation. Tex. Att'y Gen. [OR2026-41863](#) (Sept. 21, 2026);
- Information related to a solicitation. Tex. Att'y Gen. [OR2026-41942](#) (Sept. 22, 2026), [OR2026-46330](#) (Oct. 15, 2026);
- Contract and solicitation records related to certain service providers. Tex. Att'y Gen. [OR2026-42430](#) (Sept. 23, 2026);
- Information related to the requestor. Tex. Att'y Gen. [OR2026-43701](#) (Sept. 30, 2026);
- A contract. Tex. Att'y Gen. [OR2026-44818](#) (Oct. 6, 2026);
- Certain body-worn camera recordings. Tex. Att'y Gen. [OR2026-45046](#) (Oct. 7, 2026);
- Information related to a certain document and meetings. Tex. Att'y Gen. [OR2026-45126](#) (Oct. 7, 2026);
- Information related to complaints and grievances filed by a certain individual. Tex. Att'y Gen. [OR2026-45129](#) (Oct. 7, 2026);
- A report and video. Tex. Att'y Gen. [OR2026-45331](#) (Oct. 8, 2026);
- Information related to an agreement. Tex. Att'y Gen. [OR2026-45354](#) (Oct. 8, 2026);
- Specified communications during a certain time period. Tex. Att'y Gen. [OR2026-45693](#) (Oct. 9, 2026);
- The requestor's personnel records. Tex. Att'y Gen. [OR2026-45845](#) (Oct. 13, 2026);
- Certain purchase orders. Tex. Att'y Gen. [OR2026-46188](#) (Oct. 14, 2026);
- Information related to a certain type of contract. Tex. Att'y Gen. [OR2026-46356](#) (Oct. 15, 2026); and
- Pricing information related to certain vendors. Tex. Att'y Gen. [OR2026-46505](#) (Oct. 15, 2026).

³ Open record letter rulings are limited to the particular records at issue and the facts as presented to the attorney general. These rulings must not be relied upon as a previous determination regarding any other records or any other circumstances.



Recent Regulations and Guidance

The Texas Education Agency adopted a [regulation](#) addressing computation of a high school student's grade point average in response to statutory changes made by the 89th legislature.

The Texas Department of State Health Services (DSHS) amended a [regulation](#) addressing the register of Texas Mother-Friendly Worksites.

DSHS amended [regulations](#) addressing the administration of epinephrine at institutions of higher education in response to statutory changes made by the 89th legislature.

The Texas Department of Insurance Division of Workers' Compensation amended a [regulation](#) addressing return to work guidelines.

The Texas Health and Human Services Commission amended a [regulation](#) addressing human trafficking training requirements for certain professionals, including first responders and medical assistants, in response to statutory changes made by the 89th legislature.

The U.S. Department of Education repealed the [regulations](#) implementing [Title IX of the Education Amendments of 1972](#) and restored the regulations originally codified in 2020, formalizing the vacatur of the 2024 Final Rule.



Policy Spotlight

The midterm election is quickly approaching, and many college employees may be headed to the polls throughout the early voting period and on Election Day, which is Tuesday, November 3, 2026.

Community college employees are entitled to a reasonable amount of paid time off work to vote, assuming that the polls are not open for two consecutive hours outside of the person's work hours. Tex. Elec. Code § 276.004. However, the procedural aspects of voting leave for employees are not prescribed by law and may be tailored to suit the college's particular needs and preferences.

Specifically, state statutes do not dictate the amount of time that may be taken off to vote, or when during the working day an employee may exercise their voting leave. Therefore, a college may determine if there is a particular window of time that employees must take voting leave and how long employees are permitted to take, as long as the amount of time is sufficient and fair. The [Texas Workforce Commission](#)

recommends giving employees at least two hours of paid time to vote.

Texas law is also silent regarding what, if any, advance notice is required for an employee to take voting leave, and what, if any, documentation must be provided upon the employee's return to work. A college may request that an employee provide advance notice to take time off to vote, as well as documentation proving that they used the time off to vote, but if the college chooses to implement these requirements, it should do so consistently.

Colleges should specify these and any other procedures regarding voting leave in the college's employee handbook, relevant regulations, or other policies to ensure fair and uniform application.

The Community College Legal and Policy Resource Library (CCLPRL) includes the Board and Administrative Resources (BAR), a collection of model board operating procedures, board resolutions, administrative regulations,

and forms that colleges may customize for use. Within the BAR is a model form for employees to request time off for early voting or to vote on Election Day. The CCLPRL is accessible through the Policy Online® Governance and Management Library.

If you have any questions on behalf of your member college, email colleges@tasb.org or call 800-580-1488 to speak with your college's policy consultant or another TASB Community College Services attorney.



In the News

The governor and the Texas Higher Education Coordinating Board (THECB) announced that Central Texas College, Kilgore College, San Jacinto College, Texas Southmost College, and Weatherford College were approved by the U.S. Department of Education (ED) to offer federal [Workforce Pell student aid](#) for nine programs including phlebotomy, electric power technology, and structural welding.

The governor, THECB, and the U.S. Department of Labor (DOL) announced that a consortium of Texas colleges, led by the Alamo Colleges District, received a \$10.4 million grant to develop programs that can qualify for federal [Workforce Pell funding](#).

THECB announced that 402,583 applications to Texas colleges and universities were submitted during [Free College Application Week](#).

The governor announced the award of 84 [Jobs and Education for Texans grants](#) to Texas community colleges and other entities.

The governor announced the award of \$3.7 million in [Perkins Leadership Grants](#) to 12 community colleges.

The governor announced the award of two [Skills Development Fund grants](#) to Tarrant County College.

The Texas State Auditor's Office announced that a [third-party audit of THECB](#) revealed three main areas of inefficiency, namely management processes, technology modernization, and business process optimization.

ED announced that institutions providing [Prison Education Programs](#) during the 2025-2026 award year must submit an annual report to ED no later than December 31, 2026.

ED and the U.S. Department of the Treasury announced the launch of the [Defaulted Loans Support Center](#) to assist defaulted borrowers in addressing default and returning to repayment.

ED announced that federal student loan borrowers now have until December 31, 2026, to enroll in [auto pay](#) and receive a one percent interest rate reduction through June 30, 2028.

ED and the U.S. Department of Justice issued joint [guidance](#) regarding preparing for and responding to [swatting incidents](#) on campuses.

DOL announced that El Paso Community College received a grant from the [Susan Harwood Training Grant Program](#) to provide safety training to 900 construction employers and workers.