

Park Cities People

Dad Still Challenging Son's Withdrawal from [ESD](#)

by [Timothy Glaze](#) · April 19, 2018



A father whose son was forced to withdraw from [Episcopal School of Dallas](#) after accusations of smoking marijuana is hoping the Texas Supreme Court will clear the way for his lawsuit against the school to go forward.

A decision on whether the state's highest civil court will take up the case could come soon, attorneys said.

The father, filing the case as "John Doe" in order to keep his teenage son's name out of the public record, is seeking to have a decision from the Fifth Court of Appeals in Dallas overturned.

That court ruled in October 2017 that ESD's faith-based status gives it First Amendment protections, making its internal governance, including disciplinary decisions, beyond the jurisdiction of the courts.

[Child-Friendly Faith Project](#) (CFFP), an organization which seeks to end religious mistreatment of children, has aligned with John Doe in challenging the Fifth Court of Appeals decision.

Representatives from CFFP called the case hugely important.

"If the Texas Supreme Court allows the Court of Appeals' opinion to stand, that decision would leave children throughout the state vulnerable to abuse and neglect with no hope

of help from Texas courts, because parents would not be legally allowed to sue a private school claiming a religious affiliation,” they stated in a press release.

The lawsuit from John Doe describes John Doe Jr as the victim of “significant trauma” and accuses the school of “abusive behaviors” and unjustly forcing him to leave the school.

The appellate court opinion describes how ESD asked Doe Jr. to withdraw, rather than be expelled, after multiple school policy violations: driving off campus with a friend for lunch without permission, lying about the incident by initially denying he had done so, refusing a search of his vehicle, and drug use.

Doe Jr.’s friend “admitted smoking marijuana and said that Doe [Jr.] participated. Although Doe [Jr.] passed an initial urine drug test, the school later learned that he used another student’s specimen for the test. Doe (Jr.) failed a second drug test.”

Doe Jr.’s legal team denies he smoked marijuana, saying that ESD has “two valid and supportable negative tests showing [Doe Jr.] didn’t smoke that day, and ESD has no such tests saying that he did.”

Larry Friedman, the Does’ attorney, said his clients should be able to challenge ESD’s disciplinary decisions.

“Decisions made by faculty, staff, and administrators—often without due process or any investigation—can cause permanent harm to students’ academic records and spoil their chances of admission into a good college or graduate school,” said Friedman in a press release sent out from CFFP. “Parents must have access to the courts to counter the lack of due process for students in religious schools and have legal recourse to proactively resolve student problems before abusive acts occur.”

CFFP noted that this is not the first lawsuit levied against ESD.

In 2011, a jury awarded more than \$9 million for ESD's handling of a case in which a teacher sexually abused a female student and the student was expelled.