

COURT REPORT

September 2025



Eleventh Circuit Court of Appeals

First Amendment - Board Meetings

***Huggins v. School District of Manatee County*, --- F.4th ----, 2025 WL 2374371 (11th Cir. August 15, 2025)**

This case involves a plaintiff who was a community member that was removed from a school board meeting. The plaintiff had previously criticized the superintendent's and board's decision in taking control of a charter school. On the night of the board meeting where discussion of the charter school was on the agenda, the plaintiff was prevented from giving public comment and escorted out of the building by the school system's staff and a city police officer per the superintendent's order. The plaintiff sued the school board, superintendent, and other officials for violating his First Amendment rights. The trial court dismissed the plaintiff's complaint for failure to state a claim and denied the plaintiff's motion for leave to amend a second time. The plaintiff appealed.

On review, the 11th Circuit addressed the plaintiff's appeal in several parts. First, the Court found the superintendent did not meet her burden in showing she was entitled to qualified immunity. The Court held the superintendent did not show that ordering the plaintiff to be removed from the board meeting was within the scope of her discretionary authority. In part, the Court reasoned that since the board chair was the presiding officer of the meeting and not the superintendent, the board chair was the only person with authority to remove people from the meetings. Furthermore, the Court found the plaintiff plausibly alleged that the superintendent censored his speech based on his viewpoint. The Court was not convinced by the superintendent's argument that she ordered the plaintiff's removal to preserve decorum in the school board meeting. Second, the Court found the school officials, along with the city police officer, were entitled to qualified immunity. The Court held that the plaintiff failed to show the school officials and police officer had knowledge of the plaintiff's viewpoint and their actions lacked retaliatory intent. Third, the Court held there was no municipal liability on behalf of the school board or city. The plaintiff did not provide evidence of a policy or custom that imposed liability, nor did the school board ratify the superintendent's actions. Lastly, the appellate court found no error in the trial court's denial of the plaintiff's leave to amend for a second time. The Court expressed that the plaintiff's proposed changes were minimal, would not cure deficiencies, and granting such leave would be futile and prejudicial to the school system. Based on these findings, the 11th Circuit affirmed in part and vacated in part the trial court's decision and remanded the case to the lower level.

Title VII & ADEA - Retaliation

***Jackson v. Atlanta Public Schools*, 2025 WL 22223492 (11th Cir. August 5, 2025)**

This case involves an administrative assistant employed with a school system who was the oldest and only female employee in her department. The employee experienced multiple conflicts in the workplace including tense emails with her supervisor, verbal altercations with other staff, and more. The employee filed an EEOC charge, alleging age and sex discrimination and retaliation. The school system launched an internal investigation into the matter, concluding that the employee was exhibiting poor and unprofessional behavior at work in violation of the school board's policy. Due to a lack of suitable alternative positions, the school system terminated the employee. She filed a second EEOC charge alleging continued harassment and retaliatory termination. Two civil hearings requested by the employee followed, where her termination was upheld. She then sued the school system, asserting claims of discrimination and retaliation under Title VII and the Age Discrimination in Employment Act. The trial court found the employee failed to prove a prima facie case of retaliation and that the school system's reasons for terminating her were pretextual. The trial court awarded summary judgment to the school system and the employee timely appealed.

On review, the employee abandoned her discrimination claims by failing to properly argue them on appeal and so the Court addressed only her retaliation claims. The Court found the employee's retaliation claims failed under both the *McDonnell Douglas* framework and convincing mosaic theory. The *McDonnell Douglas* burden-shifting analysis consists of three steps which are (1) the employee must establish a prima facie case of retaliation, (2) if employee establishes a prima facie case, the burden is on the employer to articulate a legitimate nonretaliatory reason for its adverse action, and (3) if the employer provides such a reason then the burden is back on the employee to show it was pretextual. Under the convincing mosaic theory, an employee only needs to provide circumstantial evidence that raises a reasonable inference of unlawful conduct. The Court held the employee's claims failed under both analyses because her assertions were heavily speculative and lacked evidentiary support. It found the school system's reason for terminating the employee based on her unprofessional behavior was legitimate, and the employee failed to show that reason was pretextual. Thus, the appellate court affirmed the lower court's ruling of summary judgment in favor of the school system.

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