
GOVERNMENTAL IMMUNITY - NEW YORK

Banigo v. Board of Educ. of Roosevelt Union Free School Dist.

Supreme Court, Nassau County, New York - April 15, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 23126

Legitimate elimination of teacher position created immunity against unlawful termination claim; filing of EEOC complaint does not satisfy notice requirement prior to initiation of lawsuit against the district.

Teacher brought action against board of education, school district, and superintendent, alleging violations of education law, age discrimination in particular.

The Supreme Court held that:

- Superintendent was entitled to governmental immunity; and
- Filing of complaint with Equal Employment Opportunity Commission (EEOC) did not satisfy notice requirement.

The court found that superintendent was entitled to governmental immunity from teacher's claims that her termination violated various education law provisions, even if his motives were venal or malicious, where teacher had no right to continued employment once her position was eliminated and elimination was act of discretion within superintendent's powers.

Teacher's filing of complaint with Equal Employment Opportunity Commission (EEOC) did not satisfy notice requirement provision of education law, required before bringing claims regarding her termination against board of education and school district. The EEOC complaint was filed eight months after her discharge, and it was not served upon board or district.

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