

Bond Case Briefs

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SCHOOL BOARD - KENTUCKY

Banks v. Breathitt County Bd. of Educ.

United States District Court, E.D. Kentucky, Central Division, at Lexington - February 28, 2013 - F.Supp.2d - 2013 WL 716315

While school board employees may be sued for constitutional violations in two capacities - official and individual, suing government employee in his or her official capacity is simply another way of pleading action against entity of which employee is an agent.

County school system employee filed suit asserting violation of his substantive due process rights under Fourteenth Amendment, wrongful abridgement of his rights under First Amendment, discrimination in violation of Kentucky statute prohibiting teachers and school board employees from being discriminated against because of their political opinions, violation of Kentucky statute prohibiting employers from subjecting public employees to reprisal for reporting information relating to employer's violation of the law, alleged fraud, or abuse, and intentional infliction of emotional distress.

The district court held that:

- 1983 claims against individual school board members in their official capacities were redundant of claim against school board itself;
- Board of education was not entitled to immunity from claims based on Kentucky statute prohibiting teachers and school board employees from being discriminated against because of their political opinions;
- Kentucky statute prohibiting employers from subjecting public employees to reprisal for reporting information relating to employer's violation of the law, alleged fraud, or abuse waived any government immunity to which school board might otherwise be entitled;
- School board was not entitled to governmental immunity on claim for intentional infliction of emotional distress;
- Official capacity state law claims against individual school board members were redundant of claims against school board itself; and
- Complaint sufficiently stated claims against interim superintendent and two school board members at time of alleged discriminatory events.