

Bond Case Briefs

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Goudeau v. East Baton Rouge Parish School Bd.

United States Court of Appeals, Fifth Circuit - October 7, 2013 - Fed.Appx. - 2013 WL 5514548

Teacher brought §1983 action against parish school board, board's former superintendent, and principal for violation of First Amendment right to free speech, alleging that she suffered retaliation for speaking out against principal's directive to raise students' grades. The District Court for the denied defendants' motion for summary judgment on the basis of qualified immunity. Defendants appealed.

The Court of Appeals held that:

- Principal's alleged retaliatory transfer of teacher to another school was cognizable as an adverse employment action;
- Teacher's complaints about principal's directive addressed a matter of public concern;
- Teacher failed to present evidence to defeat superintendent's entitlement to qualified immunity; and
- Teacher failed to establish municipal liability on her § 1983 claim.

In order to establish the School Board's liability based on an adverse employment decision in response to her protected speech, Teacher needed to demonstrate a policy or custom targeting the right that was violated (i.e., the right to engage in protected speech free from retaliation), rather than a policy concerning conduct about which she spoke (i.e., the changing of students' grades).