

Bond Case Briefs

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FIRST AMENDMENT - GEORGIA

Hubbard v. Clayton County School Dist.

United States Court of Appeals, Eleventh Circuit - June 27, 2014 - F.3d - 2014 WL 2915909

School administrator who was also president of state association of educators filed state court action against school district alleging First Amendment retaliation for protected speech after he gave a speech critical of board of education members. Action was removed to federal court. The District Court granted summary judgment in favor of school district. Administrator appealed.

The Court of Appeals held that administrator's speech was made in his capacity as president of state association of educators, not as employee of school district.

School administrator's speech critical of board of education members was made in his capacity as president of state association of educators, not as employee of school district, as would support his First Amendment retaliation action against district. Under agreement with school district, administrator was "on-loan" to association, which meant that he only technically remained employee of district during his tenure as president of association, he had no responsibilities as district employee during that tenure and performed no duties for district during that time, and his relationship with district was only a formality so that he could retain his benefits.