

Bond Case Briefs

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SCHOOLS - VIRGINIA

Davison v. Rose

United States Court of Appeals, Fourth Circuit - December 3, 2021 - F.4th - 2021 WL 5750449

Students' parent filed § 1983 action against school board, its members, elementary school principal, and school system's supervisor of security alleging that no-trespass letters issued to him that prohibited his presence on school property and attendance at any school-sponsored activities unless authorized violated his First and Fourteenth Amendment rights.

The United States dismissed claims against board, and entered summary judgment in defendants' favor on remaining claims. Parent appealed.

The Court of Appeals held that:

- Res judicata barred parent's claims against school board;
- Board's policy prohibiting all personal attacks at board meetings, regardless of viewpoint, did not violate First Amendment;
- No-trespass letters were not issued in retaliation for parent's public comments;
- Principal was entitled to statutory immunity for reporting parent's suspected abuse of his children;
- Officials who issued and enforced no-trespass letters were entitled to qualified immunity; and
- Officials' failure to provide parent notice prior to issuance of no-trespass letters did not violate due process.

School board's policy prohibiting all personal attacks at board meetings, regardless of viewpoint, did not violate students' parent's First Amendment rights, despite parent's contention that policy was not used in viewpoint-neutral way towards his speech; parent was interrupted and warned for talking about particular board members, discussing their children, and providing comments that were not about topic of meeting, and was allowed to speak uninterrupted, despite mentioning individual board members, when his comments focused on topic of board meeting, and other speakers who were not interrupted when they became animated did not make comments about board members.