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SCHOOL DISTRICT’S STATEMENT TO THE PRESS ABOUT PRINCIPAL COVERED BY FIRST AMENDMENT

On April 20, 2007, the California Court of Appeal for the Second District, ruled in *Morrow v. Los Angeles Unified School District* (149 Cal. App. 4th 1424 (2007)), that a school district’s statements to the Los Angeles Times that a high school principal would be replaced after student violence on campus were protected activity and did not violate his rights.

FACTS:

Based on accounts of the superintendent, the Los Angeles Times published an article stating that a high school principal would be replaced for his handling of a series of student fights that had occurred at the high school. The newspaper reported that the principal would be replaced six months before he planned to retire; that the district superintendent had “voiced the need for stronger leadership at Jefferson [the high school]; that the principal had retirement plans that did not fit with the district’s needs; and the principal’s handling of the recent violence had ‘accelerated’ a decision to replace him.”

The principal sued the school district and the superintendents claiming the defendants invaded his privacy because the statements made to the newspaper discussed his retirement plans, and constituted a “performance evaluation” which should have been conducted in a closed session of the school board under Government Code Section 54957. He also claimed the defendants’ statements defamed him. The defendants moved to strike under the anti-SLAPP (strategic lawsuit against public participation) statute. The court granted the motion to dismiss the principal’s complaint. The appellate court upheld the decision. .

COURT’S ANALYSIS:

The court determined that the defendant’s statements were privileged because they implicated matters of public concern, i.e., “[a] principal’s leadership or lack of leadership on handling student violence and melees on campus,” as well

as student violence. As to the statements regarding the principal's retirement plans, the court found the statements were directly related to the district's response to the student violence. The court also found that the "personnel exception" of Government Code Section 54957 did not apply in this case because the statements did not constitute a personnel evaluation under the collective bargaining agreement.

_____ Further, the court reasoned that the statements were not an invasion of privacy because the statements were of "legitimate public concern" and "relevant to the newsworthy subject of the violence" at the school. The court also reasoned that the statements would not qualify as defamation since the defendant was carrying out his official duties by explaining that the transfer of the principal was one response to the student violence. The court also held that the defendants were entitled to recover fees and costs on their anti-SLAPP motion.

RECOMMENDED ACTION

Advise District decision-makers to confer with legal counsel before commenting to reporters or the public about a site administrator's deficiencies.

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