**VIRGINIA CASES**

***Employee***

K.I.D. v. Jones, 2014 WL 3616131 (E.D. Va. 2014). SRO, North Hampton High School, sexual contact.

Linnon v. Commonwealth of Virginia, 752 S. E. 2d. 822 (S. Ct. Va. 2014). Teacher convicted indecent liberties with minor.

Parsley v. Russell County Sch. Bd., 2014 WL 2618540 (W.D. Va. 2014). Title VII, Discrimination.

Ainsworth v. Loudoun County Public Schools et al, \_\_\_F.Supp. 2d \_\_\_, 2012 WL 913633 (E.D. Va. 2012). Family and Medical Leave Act (FMLA).

Baker v. McCall, 842 F.Supp. 2d 938, 2012 WL 363963 (W.D. 2012). Principal Free Speech, Norton City Schools.

C.C. v. Fairfax County Public Sch. Bd., \_\_\_F.Supp. 2d \_\_\_, 2012 WL 2951631, (E.D. Va. 2012).

Holleman v. Colonial Heights Sch. Bd., 854 F.Supp. 2d 344 (E.D. Va. 2012). Female employee hostile work environment. Title VII. Male principal’s alleged conduct was not based on employee’s sex.

Hood v. Suffolk City Sch. Bd., 469 Fed. Appx. 154 (C.A. 4 (Va.) 2012). Teacher dangerous condition, mold, case dismissed.

Johnson v. Scott County Sch. Bd., \_\_\_F.Supp. 2d\_\_\_, 2012 WL 4458150 (W.D. Va. 2012). Sexual harassment. Baker, School Superintendent, harassed employee.

Cross v. Suffolk City Sch. Bd., \_\_\_F.Supp. 2d\_\_\_, 2011 WL 2838180, (E.D. Va. 2011). EEOC action by teacher.

Hibbitts v. Buchanan County Sch. Bd., 433 Fed. Appx. 203 (C.A. 4 (Va.) 2011).

Jefferson v. Sch. Bd. of Norfolk, 452 Fed. Appx. 356 (C.A. 4 (Va.) 2011).

Lucas v. Henrico County Sch. Bd., – F.Supp. 2d --, 2011 W L 4590000 (E.D. Va. 2011). Employee claimed violation of her right to privacy.

Purdham v. Fairfax County Sch. Bd., 637 F.3d 421 (C.A. 4 (Va.) 2011). Overtime pay.

Dolgaleva v. Virginia Beach City Public Schools, 364 Fed. Appx. 820 (C.A. 4 (Va.) 2010).

Golding v. Montgomery County Public School, 2010 WL 1640161 (W.D. Va. 2010). Cell phone, substitute teacher due process.

Liggins v. Clarke County Sch. Bd., 2010 WL 364366 (W.D. Va. 2010). Asserted violated free speech, free association.

Session v. Anderson, \_\_\_F.Supp. 2d\_\_\_, 2010 WL 2521075 (W.D. Va. 2010). Superintendent comments did not violate Title VII.

Hill v. Augusta County Sch. Bd. 636, F.Supp. 2d 492 (W.D. Va. 2009). Age discrimination.

Purdham v. FCPS, 2009 WL 4730713 (E.D Va. 2009). Fair Labor Standards Act, Coach.

Schroeder v. Roanoke County Sch. Bd., \_\_\_F.Supp. 2d \_\_\_, 2008 WL 5043474
(W.D. Va. 2009). Overtime pay.

Chadwell v. Lee County Sch. Bd., 535 F.Supp. 2d 586 (W.D. Va. 2008). School board liable for political discrimination, $50,000.

Coleman v. Loudoun County Sch. Bd., 2008 WL 4412111 (C.A. 4 (Va.) 2008). Race Title VII, Retaliation.

Early v. Marion, 540 F.Supp. 2d 680 (WD Va. 2008). 340 Fed. Appx. 169 (C.A. 4 (Va.) 2009) Teacher suspended pending medical & psychiatric evaluation.

Fairfax County Sch. Bd. v. Faber, 2008 WL 6759960, 75 Va., Cir. 290 (Cir, Ct. Fairfax 2008). Grievance.

Amekudzi v. Board of City of Richmond Public Schools, 2007 WL 4468683 (E.D. Va. 2007). Substitute teacher.

Lee v. York County Sch. Bd., 484 F.3d 687 (C.A. 4 (Va.) 2007). Teacher cannot put religious materials on classroom bulletin board.

Murmer V. Chesterfield County Sch. Bd., 2007 WL 2914769 (E.D. Va. 2007). Teacher butt artist, complaint settled.

Peters v. Sch. Bd. of Virginia Beach, 2007 WL 295618 (E.D. Va. 2007). Civil Rights, retaliation.

Sanders v. Brown, 257 Fed Appx. 666 (C.A. 4 (Va.) 2007). Principal not “deliberately indifferent” (sex abuse).

Chadwell v. Lee County Sch. Bd., 457 F.Supp. 3d 690 (W.D. Va.Oct.19, 2006). Entitled to legislative immunity.

Chadwell v. Lee County Sch. Bd., \_\_ F.Supp. 2d\_\_, 2006 WL 3359611 (W.D. Va. Nov.20,2006).

Chadwell v. Lee County Sch. Bd. 535 F.supp.3d 586 (W.D. Va. Feb.4, 2008) $50,000 in Compensatory damages for emotional harm, $15,000 punitive damages, $85,443.90 Attorney’s Fees.

Collier v. Sch. Bd. of Charlottesville, 2006 WL 435478 (W.D. Va. 2006). Classified employee.

Gunn v. Commonwealth of Virginia, 637 S. E. 2d 324 (S. Ct. Va. 2006). Employee misappropriated funds.

Morris v. Henrico County School, 2006 WL 680996 (E.D. Va. 2006).

Walton v. Sch. Bd. of Gloucester County, 2006 WL 3838235 (E.D. Va. 2006). EEOC denied teacher position.

Perino v. Prince William County School, (E.D. Va. 2005). Teacher due process suit after acquitted of criminal charges, sexual misconduct.

Guda v. Commonwealth of Virginia, 592 S.E. 2d 748, 185 Ed. Law 758 (Ct. App. Va. 2004). DNA, Fairfax, employee.

Tazewell County Sch. Bd. v. Brown, 591 S.E. 2d 671 (S. Ct. Va. 2004). Grievance, Principal.

Echtenkamp v. Loudoun County Public Schools, 263 F.Supp. 2d 1043 (E.D. Va. 2003). School psychologist sued alleging14th Amendment due process violation, defamation, free speech.

Esteban v. Commonwealth of Virginia, 587 S.E. 2d 523, (S. Ct., Va. 2003). Teacher convicted of having gun on school property.

Kozlowski v. Hampton Sch Board, 77 Fed Appx. 133 (C.A. 4 (Va.) 2003). H.S. football coach sued under age discrimination, contract not renewed.

Mulvey v. Jones, 587 S.E. 2d 728 (Ct. App. Va. 2003). Teacher physically abused student.

Peters v. Jenney, 317 F.3d 307 (C.A. 4 (Va.) 2003). Title VI, Caucasian.

Baynard v. Malone, 268F.3d 228 (C.A. 4 (Va.) 2001). Cert. denied 122 S. Ct. 1357(2002). Student sexually abused.

Dugan v. Albemarle County Sch. Bd., 293 F.3d 716 (C.A. 4 (Va.) 2002). Teacher brought discrimination action against school board under Title VII and Age Discrimination in Employment Act (ADEA) over distribution of Functional Teaching Equivalents (FTE) between probationary teachers. The United States District Court for the Western District of Virginia granted summary judgment for school board. Teacher appealed. The Court of Appeals held that: (1) teacher established prima facie case of discrimination; (2) school board rebutted teacher’s prima facie claim of discrimination; and (3) teacher failed to prove that school board discriminated against her. Affirmed.

Gilliam v. Lee County Sch. Bd., \_\_\_F.Supp. 2d \_\_\_\_, 2002 WL 31906274 (W.D. Va. 2002). Teacher political retaliation; employee dismissed, transfer, guidance counselor.

Shelton v. Richmond Public Schools, 186 F.Supp.2d 646, 162 Ed. Law 292 (E.D. Va. 2002). Black teacher sued school district under §1983, claiming that he was terminated because of his race, in violation of his equal protection rights. District moved for summary judgment. The District Court held that: (1) teacher could not bring claim under §1983, without also suing under Title VII; (2) doctrine of equitable estoppel did not allow untimely claim under Title VII; (3) teacher failed to make necessary showing that he was qualified for position; (4) termination was not pretext for employment discrimination; and (5) district would not be awarded attorney fees. Judgment for district.

Jones v. School Board of City of Richmond, 2001 WL 921212 (Cir. Ct. Va. 2001). Grievability of coaching contract. Mr. Jones permitted to proceed with grievance because school board did not adhere to procedures.

Mays vs. City Sch. Bd. Lynchburg, 5 Fed. Appx. 181 (C.A. 4 (Va.) 2001). School bus driver, Title VII, Sexual harassment.

Turner v. Davis Whytsell, 2001 WL 557575 (Va. Cir. Ct. 2001). FCPS bus driver, sovereign immunity.

Bird v. Bland County Sch. Bd., 205 F.3d 1333 (C.A. 4 (Va.) 2000) (unpublished). School board violated tenured teacher's due process. Teacher awarded $71,900 in lost wages and $5000 for emotional distress.

Colona v. Owings (Accomack County Sch. Bd.). 2000 WL 1528703, 52 Va. Cir. 421 (Cir. Ct. Va. 2000). Substitute teacher not informed student was HN. Child attacked and bit teacher. School board had sovereign immunity, individuals did not have immunity. No duty to inform employee.

Lalik v. Commonwealth of Virginia, 1855993 (Va. Ct. App. 2000). Roanoke City Circuit Court, disobey court order.

Newton v. Slye, 116 F.Supp. 2d 677, 148 Ed. Law 179 (W.D. Va. 2000). Public high school English Teacher, students, and publishers brought§1983 action against school's principal and against county's school superintendent, alleging that principal infringed free speech by directing that teacher remove from classroom door publishers' pamphlet describing "banned books." Plaintiffs sought preliminary injunction to permit reposting of pamphlet. The District Court held that: (1) balance of harms favored defendants; (2) posted pamphlet could be considered part of curriculum, and thus posting of pamphlet on classroom door was not protected speech; (3) assuming that posting of pamphlet could be considered speech on matter of public concern, school district's countervailing interest in promoting approved community values outweighed teacher's right to engage in such speech; and (4) directive to remove pamphlet did not amount to viewpoint discrimination. Injunctive relief denied.

Perkins v. Commonwealth, 523 S.E. 2d 512 (Ct. App. Va. 2000). Defendant, a deaf teacher, was convicted in the Circuit Court, Smyth County, of assault and battery in connection with touching of student on nape of her neck. Defendant appealed. The Court of Appeals held that evidence was sufficient to support conviction. Affirmed.

Shupe v. Warren County Sch. Bd., 2000 WL 33340625 (Va. Cir. Ct. 2000). Hiring Administration.

Urofsky v. Gilmore, 216 F.3d 401 (C.A. 4 (Va.) 2000). Academic freedom.

Moyer v. Commonwealth, 523 S.E. 2d 371 (Ct. App. Va. 1999). Teacher was convicted in the Circuit Court, Fluvanna County, of taking indecent liberties with minors. Teacher appealed. The Court of Appeals held that: (1) using teacher's diaries violated privilege against self-incrimination, and (2) buttocks are not "sexual parts" within the meaning of statute which applies to an adult in a custodial or supervisory relationship over a child and prohibits exposure of or proposals to touch sexual parts. Reversed and remanded.

Smith v. Loudoun County Public Schools, 1999 WL 378762 (Cir. Ct. Va. 1999). Teacher sued school board over health insurance for daughter.

Brown v. Stafford County Public Schools, 151 F.3d 1028 (C.A. 4 (Va.) 1998). Title VII, race, dismissal.

Carter v. Gordon, 502 S.E. 2d 697 (Ct. App. Va. 1998). Teacher engaged in several acts of child sexual abuse. Department of Social Services (DSS) found that teacher had engaged in several acts of child abuse involving five students while he was physical education teacher and safety patrol leader at elementary school. Teacher appealed. The Circuit Court, Fairfax County, reversed and dismissed DSS’ findings. The Court of Appeals held that : (1) evidence showed that teacher’s conduct constituted Level 1 sexual abuse within the meaning of DSS’ guidelines with respect to three students, and Level 2 sexual abuse with respect to two others, and (2) teacher was estopped from asserting that school board untimely notified her of nonrenewal based on her last-minute withdrawal of resignation. Motion granted.

Lee v. Wise County Sch. Bd., 133 F.3d 915, 1998 W.L. 10320 (C.A. 4 (Va.) 1998). Claimed religious discrimination in violation of Title VII, basketball coach.

Reinhold v. Commonwealth of Virginia, 151 F.3d 172 (C.A. 4 (Va.) 1998). Title VII, Sexual harassment.

Thurston v. Roanoke City Sch. Bd., 26 F.Supp.2d 882, 131 Ed. Law 179 (W.D. Va. 1998). Terminated public school teacher brought§1983 action against school board alleging that board violated her due process rights by terminating her. Board moved for summary judgment. The District Court held that: (1) teacher's preceding tenure as a Family Training Specialist (FTS) did not count as time as a "teacher"; (2) teacher was estopped from asserting that school board untimely notified her of nonrenewal based on her last-minute withdrawal of resignation. Motion granted.

Ward v. Laster, 1998 WL 1765701 (Va. Cir. Ct. 1998). Lee County, Bus Driver. Constructive discharge.

Sch. Bd. of the City of Norfolk v. Wescott, 492 S.E.2d 146, 121 Ed. Law 1188 (S. Ct. Va. 1997). Terminated school security guard filed bill of complaint against school board, seeking reinstatement with full benefits and back pay. After ore tenus hearing (orally), the Circuit Court of the City of Norfolk granted relief sought. The Supreme Court granted appeal and held that: (1) trial court's finding that school board's decision to terminate guard was based upon guard's purported abuse of sick leave and annual leave was without record support, and (2) guard's repeated absences unacceptably compromised school security program and constituted just cause for her termination. Reversed and final judgment.

Williams v. Charlottesville Sch. Bd., 940 F.Supp. 143 (1996).

Corns v. Russell County, Va. Sch. Bd., 52 F.3d 56 (C.A. 4 (Va.) 1995). School librarian brought action against school board alleging that her discharge without hearing violated her due process rights. Certified question was answered by the Supreme Court of Virginia, \_\_\_ Va. \_\_\_, 454, S.E.2d 728, 97 Ed. Law 1166. The Court of Appeals held that, under Virginia law, statute requiring teacher to serve "probationary term of service for three years" implied period of determined or prescribed duration, and required teacher seeking continuing contract status to teach for unitary period of three consecutive school years while under contract. Teacher seeking continuing contract status must perform teaching duties under contract with school board in each of three years and these years cannot be intermittent, but rather must be consecutive.

Sch. Bd. of the County of Loudoun v. Burk, 455 S.E. 228, 98 Ed. Law 490 (S. Ct. Va. 1995). The Supreme Court held that notice of appeal concerning grievance on whether it was non-grievable, had to be received by school board no later than 10 days from date of school board’s decision for circuit court to have jurisdiction.

Williams v. Augusta County Sch. Bd., 445 S.E. 2d 118, 92 Ed. Law 686 (Va. 1994). Sister-in-law of member of school board sought declaration that Conflict of Interest Act did not preclude board from considering her employment. Teacher employed full-time from August 1969 until she left teaching in May 1975. Thirteen years later applied for a teaching position, but board refused to consider her application; board said she was ineligible because she was sister-in-law to the board chairman. The Supreme Court held that exemption contained in the Act was not applicable to sister-in-law because she was not regularly employed by board at time brother-in-law was appointed to board.

County Sch. Bd. of York County v. Epperson, 435 S.E. 2d 647, 85 Ed. Law 1231 (S. Ct. Va. 1993). Teachers appealed school board decision that their complaint regarding their involuntary transfer to another school was not subject to grievance procedure. The Circuit Court, York County, found that teachers’ allegations were subject to grievance procedure, and the school board appealed. The supreme Court held that: (1) teachers' complaints that their involuntary transfers violated school board's policies did not contain any facts from which it could be inferred that school board failed to comply with policy manual and, therefore, matters asserted were not grievable; (2) policy that teacher selected for transfer from overstaffed school will be given preference over teachers newly employed in system applies only when there is system-wide reduction in number of teachers, not when number of teachers at one school is to be reduced; and (3) mere involuntary transfer of teachers who exercised "open door" privileges was not punitive action.

County Sch. Bd. v. Epperson, 435 S.E. 2d 647, 85 Ed. Law 1231 (Va. Sup. Ct. 1993). Teachers appealed school board decision that their complaint regarding their involuntary transfer to another school was not subject to grievance procedure. The Supreme Court, Compton, J., held that: (I) teachers' complaints that their involuntary transfers violated school board's policies did not contain any facts from which it could be inferred that school board failed to comply with policy manual and, therefore, matters asserted were not grievable; (2) policy that teacher selected for transfer from over-staffed school will be given preference over teachers newly appointed in system applies only when there is system-wide reduction in number of teachers, not when number of teachers at one school is to be reduced; and (3) mere involuntary transfer of teachers who exercised "open door" privileges was not punitive action.

Reynolds v. Fairfax County Public School, 985 F.2d 553 (C.A. 4 (Va.) 1993). Teacher breach of contract, Herndon H.S., appears in torn dress, bedroom slippers, and large sunglasses to protest merit pay.

Underwood v. Henry County Sch. Bd., 427 S.E. 2d 330, 81 Ed. Law 607 (S. Ct. Va. 1993). Continuing contract teacher sued for declaratory judgment that school board's application of its reduction-in-force policy violated state law and constituted a breach of her employment contract. The Supreme Court held that: (1) school board was not required to give continuing contract teachers priority over probationary teachers during reduction-in-force occasioned by decrease in enrollment, and 2) application of amended reduction-in-force policy to teacher whose employment contract was signed before amendments were adopted was not breach of school board's contract with teacher. (No Seniority)

In the matter of William H. Danyus v. Department of Social Services, 1992 WL 884856 (Va. Cir. Ct. 1992). Sexual abuse of students, Newport News.

Pandazides v. Virginia Board of Education, 946 F.2d 345, 70 Ed. Law 371 (C.A. 4 (Va.) 1991). On Remand 804 F.Supp. 794, 78 Ed. Law 785 (D. Va. 1992). The court held that: (1) teacher did not show handicap; (2) accommodations for teacher to take test were not shown to be unreasonable; (3) teacher was not otherwise qualified within meaning of statutory prohibition against discrimination against otherwise qualified individual with handicaps. Teacher with learning disabilities brought action against Board of Education, alleging handicap discrimination under Rehabilitation Act. The United States District Court for the Eastern District of Virginia entered summary judgment in favor of Board, and teacher appealed. The Court of Appeals held that: (1) in determining whether teacher was "otherwise qualified," within meaning of Rehabilitation Act section prohibiting handicap discrimination against otherwise qualified individuals, trial court had to do more than simply determine whether teacher met all of the Board's stipulated requirements, but had to look to actual requirements of position sought; 92) determination of whether teacher was "otherwise qualified" would involve two factual determinations: whether teacher could perform essential functions of school teacher and whether requirements imposed by Board actually measured those functions; (3) even if trial court were to determine that teacher could not perform her duties, it would have to determine whether modifications could be made to allow her to teach; and (4) genuine issues of material fact precluded summary judgment. Reversed and remanded.

Lee-Warren v. Sch. Bd. of Cumberland County, 792 F.Supp. 472 (W.D. Va. 1991). Held that principal with continuing contract does not retain that status upon accepting a job as principal in another school division. (federal court)

Lee-Warren v. Sch. Bd. of Cumberland County, 403 S.E. 2d 691, 67 Ed. Law 321 (Va. S.D. 1991). The United States District Court for the Western District of Virginia certified a question as to whether under Virginia law a school principal with continuing contract status retains that status upon accepting a job as a principal in another school division within the state. The Supreme Court held that school principal with continuing contract status does not retain that status upon accepting a job as principal in another school division within state. Question answered in the negative. (state court)

Rountree v. Fairfax County Sch. Bd., 933 F.2d 219, 67 Ed. Law 1036 (C.A. 4 (Va.) 1991). Teachers denied promotion brought civil rights action against Sch. Bd. The United States District Court for the Eastern District of Virginia granted summary judgment for Board, and appeal was taken. The Court of Appeals held that Board's adoption of promotion system, under which promoted teachers were eligible for merit pay and other benefits, did not rise to level of new and distinct contractual relationship between teachers and Board, such that denial of promotion could give rise to §1981 claim. Affirmed.

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Schneeweis v. Jacobs, 771 F.Supp. 733, 69 Ed. Law 1086 (E.D. Va. 1991). High school teacher who was temporarily suspended from her coaching responsibilities pending investigation into various complaints regarding her coaching conduct brought §1983 action against school board and school officials. School officials and board moved for summary judgment. The District Court held that: (I) teacher did not have liberty or property interest protected by due process; (2) teacher was not denied equal protection; and (3) school officials were entitled to qualified immunity from liability. Motion granted. Affirmed 966 F.2d 1444 (1992).

Tazewell County Sch. Bd. v. Gillenwater, 400 S.E. 2d 199, 65 Ed. Law 605 (Va. S. Ct. 1991). Public school teacher appealed school board decision that her complaint regarding transfer to another school was not subject to grievance procedure. The Circuit Court, Tazewell County, found that teacher's allegations were subject to grievance procedure, and school board appealed. The Supreme Court held that: (1) teacher’s complaint was that she was transferred in reprisal for having filed appeal of evaluation was not a "grievance" as defined by statute providing remedies for teacher’s complaints, and (2) transfers were specially excluded from grievance procedures. Reversed and dismissed.

Russell County Sch. Bd. v. Anderson, 384 S.E. 2d 598, 56 Ed. Law 646 (Va. S. Ct. 1989). School board decision of the Circuit Court of Russell County reversing board's ruling that teacher should be dismissed. The Supreme Court held that: (1) fact-finding of panel to which teacher was statutorily entitled were not binding on board, and (2) substantial evidence supported board’s decision. Reversed and final judgment. New law now states that if school board disagrees with fact-finding panel then teacher receives a new hearing. 221-313(c)

Sch. Bd. of Norfolk v. Giannoutsos, 380 S.E. 2d 647, 54 Ed. Law 990 (Va. S. Ct. 1989). Probationary school teacher who did not receive notice of nonrenewal and was denied contract for ensuing school year brought action against school board alleging breach of contract and seeking damages. The Circuit Court, City of Norfolk, entered judgment for teacher and awarded her monetary damages, and school board pealed. The Supreme Court held that probationary school teacher's sole remedy for school board's violation of statute recovering notice of nonrenewal of contract was entitlement to contract for ensuing year; money damages were not recoverable. Reversed and final judgment.

Seemuller v. Fairfax County Sch. Bd., 878 F.2d 1578, 54 Ed. Law 1140 (C.A. 4 (Va.) 1989). Teacher who suffered adverse consequences after writing letter to school newspaper brought action alleging violation of his First Amendment rights. The United States District Court for the Eastern District of Virginia held for school, and appeal was taken. The Court of Appeals held that teacher's letter to school newspaper, responding to allegations of sexual discrimination against female students in physical education program, addressed matter of public concern, for purpose of determining whether it was entitled to First Amendment protection. Vacated and remanded.

Wood v. Board of Supervisors, 236 Va. 104, 372 S.E. 2d 611 (1988). School pays attorney for superintendent.

Dennis v. County Sch. Bd. of Rappahannock County, 582 F.Supp. 536 (E.D. Va. 1984). Probationary teachers whose contract was not renewed brought action against superintendent and individual members of school board. The District Court held that superintendent's notice of his intention to recommend that teaching contract not be renewed, hand delivered to probationary teacher on April 13, 1982, was not written notice of nonrenewal of teaching contract of probationary teacher on or before April 15; therefore, teacher stated a claim for probationary contract for the next school year. Ordered accordingly.

Wilkinson v. Sch. Bd. of the County of Henrico, 566 F.Supp. 766 (E.D. Va. 1983). School teacher brought civil action against school board challenging her suspension without pay without a hearing. On defendants motion for summary judgment, the District Court held that: (1) teacher had property interest in not being suspended; (2) court could not rule as a matter of law that due process required presuspension hearing; (3) school officials might be held liable for acts of superintendent; and (4) suspension without pay of the teacher without a hearing violated state law. Motion denied.

Wooten v. Clifton Forge Sch. Bd., 655 F.2d 552 (C.A. 4 (Va.) 1981). (Act Repealed) Plaintiff appealed from an order of the United States District Court for the Western District of Virginia, at Roanoke, which dismissed his civil rights claim brought against school board in which he asserted that board violated his Fourteenth Amendment rights to procedural due process when it reassigned him from the position of principal to the position of teacher, and board appealed from the denial of its motion for attorney fees. The Court of Appeals held that: (I) plaintiff did not have a legitimate entitlement to continued employment as a principal, absent good cause for reassignment, so as to require a hearing and statement of reasons prior to reassignment where his continuing contract was silent on the issue of whether he could be reassigned without cause to a teaching position at reduced pay, but Virginia statute gave school boards the right to reassign a principal to a teaching position without cause, in that plaintiff failed to show a property interest, derived either from his contract or state law, upon which he could premise his constitutional claim; (2) the evidence was insufficient to establish that board's action deprived plaintiff of a liberty interest in his reputation; and (3) the district court did not abuse its discretion in denying school board's motion for attorney fees. Affirmed.

Sch. Bd. of the City of Richmond v. Parham, 243 S.E. 2d 468 (Va. 1978). Teacher filed petition for writ of mandamus to compel school board to submit a grievance to arbitration. The Circuit Court, City of Richmond, awarded teacher the writ, and board appealed. The Supreme Court held that binding arbitration provision, which was within the "Procedures for Adjusting Grievances" that had been adopted by State Board of Education, divested local school boards of their authority over application of local policies, rules, and regulations relating to day­ to-day management of their teaching staffs in violation of local boards' constitutional power of supervision. Reversed and final judgment.

Commonwealth v. The County Board of Arlington County, 232 S.E. 2d 30 (Va. 1977). The Commonwealth filed separate motions for declaratory judgment against county board and county school board, alleging that two boards, in exercise of their powers, had adopted certain policies and had entered into several collective bargaining agreements with various labor unions as exclusive representatives of different groups of county public employees, and seeking to have policies and agreements declared void and unenforceable. Both boards filed responsive pleadings and, in addition, county board filed cross motion for declaratory judgment. After permitting various labor organizations involved to intervene as parties defendant and consolidating two actions for trial, the Circuit Court, Arlington County, granted summary judgment in favor of county board on its cross motion and sustained demurrer of school board, thus holding that policies and agreements of the two boards were valid and enforceable. Upon grant to the Commonwealth of writ of error, the Supreme Court held that absent express statutory authority, neither county board nor county school board could recognize labor organization as exclusive representative of group of public employees and negotiate and enter into binding contracts with organization concerning terms and conditions of employment of employees. Reversed and final judgment.

Johnson v. Bulter, 433 F.Supp. 531 (W.D. Va. 1977). Nontenured teacher improperly dismissed, 1st Amendment.

Gwathmey v. Atkinison, 447 F.Supp. 1113 (E.D. Va. 1976). Teacher entitled to due process.

Johnson v. Fraley, 470 F.2d 179 (C.A. 4 (Va.) 1972).

Springston v. King, 340 F.Supp. 314 (W.D. Va. 1972). Civil rights action. On defendant's motion to dismiss, the District Court held that due process required no more than that nontenured guidance counselor be given statement of school board's reasons for its decision to reassign him to position as industrial arts or distributive education teacher. Action dismissed.

**VIRGINIA CASES**

***Teachers***

Chadwell v. Brewer, 2014 WL 4955780 (W.D. Va. 2014). Family and Medical Leave Act, teacher.

Bauknight v. Pope, 2012 WL 681632 (W.D. Va. 2012). African-American teacher, discrimination, Title VII.

Meyer v. Commonwealth of Virginia, 531 S. E. 2d 580 (Ct. App. Va. 2000). Indecent Liberaties with minor 8th grade student; teacher, Fork Union Military Academy.

Bostic v. Russell County Sch. Bd., 968 F.2 1211 (C.A. 4 (Va.) 1992). Transfer of teacher, Larry Massie.

Atkins v. Fairfax County Pub. Sch., 1997 WL 1070599 (Va. Cir. Ct. 1997). Teressa Caldwell, defamation.

County Sch. Bd. of Spotsylvania County, Virginia v. McConnell, 212 S.E. 2d 264 (S. Ct. Va. 1975). Teacher, breach of contract. Dismissal.

**VIRGINIA CASES**

***Higher Education***

Davis v. Rao, 2013 WL 5999643 (E.D. Va. 2013). Professor, due process, Virginia Commonwealth University.

Stonach v. Virginia State University, 2008 WL 161304 (E.D. Va. 2008). Caucasian physics professor, Title VII, Academic Freedom.

Betts v. University of Virginia, 2005 WL 1870049 (C.A. 4 (Va.) 2005).

Bulter v. William and Mary, 121 Fed. Appx. 515 (C.A. 4 (Va.) 2005). Student Expelled.

Allen v. William and Mary, 245 F.Supp. 2d 777 (E.D. Va. 2003). Black female employee, ADA, race, etc.

Kay v. Virginia Commonwealth University, 2001 WL 1753838 (Va. Cir. Ct. 2001).

Larimore v. Blaylock, 2000 WL 429 454 (S. Ct. Va. 2000).

Yeagle v. Collegiate Times (Virginia Tech), 497 S. E. 2d 136 (1998). Defamation.

**VIRGINIA CASES**

***Student***

Blake v. Commonwealth of Virginia, (S. Ct. Va. 2014). Convicted, compulsory attendance, tardiness.

Gallimore v. Henrico County Sch. Bd., \_\_\_\_F.Supp. 2d\_\_\_\_, 2014 WL 3867557 (E.D. Va. 2014). Cell phone search.

M.D. v. Sch. Bd. of Richmond, 2014 WL 929432 (C.A. 4 (Va.) 2014). Title VI and Title IX.

Bailey & McGee v. Virginia High School League, Inc., 488 Fed. Appx. 714 (C.A. 4 (Va.) 2012). Challenged transfer rule.

S.H. v. Fairfax County Board of Education , \_\_\_\_F.Supp.2d \_\_\_\_, 2012 WL 2366146 (E.D. Va. 2012). IDEA.

Torda ex rel. Torda v. FCPS, 2012 WL 2370631(E.D. Va. 2012). IDEA.

J.S. v. Thorsen ( Suffolk School Division), 766 F.Supp. 2d 695 (E.D.Va.2011). Student’s exposure to mold in school.

Attorney General Opinion, 2010 WL 4909931(Va., AG, Nov. 24, 2010). Search cell phone.

D.B. v. Bedford County Sch. Bd., 2010 WL 3323489 (W.D. Va. 2010). August 10, 2010.

D.B. v. Bedford County Sch. Bd., 708 F.Supp 2d 564 (W.D. Va. 2010). IDEA, student.

K.J. ex rel. B.J. v. Fairfax County Sch. Bd., 361 Fed. Appx. 435 (C.A. 4 (Va.) 2010). IDEA.

Smith v. The James C. Hormel School of the Virginia Institude of Autism and Green County Public School, 2010 WL 1257656 (W.D. Va. 2010).

A.V. ex rel. v. Vanderhye iParadigms, LLC. 562 F3d 630 (C.A. 4 (Va.) 2009) (Plagiarism).

H.H. ex rel. H.F. v. Moffett, 335 Fed. Appx. 306 (C.A. 4 (Va.) 2009). Disabled student, by and through her mother, brought § 1983 action against special education teacher and teaching assistant, alleging defendants restrained student in her wheelchair for extended periods of time. The United States District Court for the Eastern District of Virginia, entered order holding defendants' motion for summary judgment in abeyance so that student could conduct discovery, and defendants appealed.

Hogan v. Fairfax County Sch. Bd., 645 F.Supp 2d 554 (E.D. Va. 2009). IDEA-FAPE.

JP ex rel. Peterson v. County Sch. Bd. of Hanover County Virginia, 641 F.Supp. 2d 499 **(**E.D. Va. 2009). IDEA.

M.S. ex rel. Simchick v. Fairfax County Sch. Bd., 553 F3d. 315(C.A. 4 (Va.) 2009). IDEA.

A.V. ex rel v. Vanderhye Paradigms Limited Liability Company, 544 F.Supp.2d 473 (E.D. Va. 2008). Students sued copyright infringement when H.S. scanned papers for plagiarism with software.

County Sch. Bd. of York v. A. L., 194 Fed. Appx. 173(C.A. 4 (Va.) 2008).

Fairfax County Sch. Bd. v. Knight, 261 Fed. Appx. 606, (C.A. 4 (Va.) 2008). IDEA.

Fitzgerald v. Fairfax County Sch. Bd., 556 F.Supp. 2d 543(E.D. Va. 2008). IDEA.

Griffin v. Brunswick County Public Sch. Bd., 2008 WL 8202778 (Va. Cir. Ct. 2008). Special needs child.

J.P. v. County Board of Hanover County, Virginia, 516 F.3d 254(C.A. 4 (Va.) 2008). IDEA.

A.K. ex rel. J.K. v. Alexandria City Sch. Bd., 484 F 3d 672 (C.A. 4 (Va.) 2007). FAPE, IDEA.

A.K. v. Alexandria City Sch. Bd., 544 F.Supp. 2d.

Raker v. Frederick County Public Schools, 470 F.Supp. 2d 634, 217 Ed. Law 190, (W.D. Va. 2007). Student could pass out anti-abortion literature, Tinker, Schools regulation failed Forum test.

County Sch. Bd. of Henrico v. R. T., 433 F.Supp. 2d 657 (E.D. Va. 2006). IDEA.

County Sch. Bd. of Henrico County, Virginia v. R.T., 433 F Supp 2d 657 (E.D. Va. 2006). Va. School board instituted action against minor with autism challenging State hearing Officer’s decision. Ruled for parents.

M.S. v. Fairfax County Sch. Bd., 2006 WL 721372 (E.D. Va. 2006). FAPE, IDEA.

Collins v. Prince William County Sch. Bd., 142 Fed Appx. 144 (C.A. 4 (Va.) 2005). Student claimed due process violation, “off campus offenses”.

County Sch. Bd. of Henrico County, Virginia v. Z.P. ex rel. R.P., 399 F.3d 298, 195 Ed. Law 715(C.A. 4 (Va.) 2005). IDEA, Sch. Bd. sought judicial review of hearing officer’s determination that IEP had failed to offer autistic child FAPE as required by IDEA. District Court failed to give appropriate deference to state administrative hearing officer’s findings, and appropriate remedy was remand to district court.

Emory v. Roanoke City Sch. Bd., 432 F.3d 294 (C.A. 4 (Va.) 2005). IDEA student.

J.H. v. Henrico County Sch. Bd., 2005 WL 107183, (C.A. 4(Va.) 2005). Reimbursment, IDEA.26.

J.S. ex rel. Duck v. Isle of Wight County Sch. Bd., 362 F.Supp 2d 675 (E.D. Va. 2005).

J.S. ex rel. Duck v. Isle of Wight County Sch. Bd.,402 F.3d 468, 196 Ed. Law 423 (C.A. 4 (Va.) 2005). IDEA, Learning disabled child.

J.S. v. Isle of Wight County Sch. Bd., 368 F.Supp. 2d 522 (E.D. Va. 2005). Hearing disabled child suspended transferred to alternative school. Court found for board.

Loudoun County Sch. Bd. v. Commonwealth of Virginia, Board of Education, 612 E. 2d 210 (Ct. App. Va. 2005). Local Sch. Bd. sued State Sch. Bd. over special education program and corrective action.

Myers v. Loudon County Public Schools, 418 F.3d 395 (CA 4 (Va.) 2005). Pledge, student.

Ashby v. Isle of Wight County Sch. Bd., 354 F.Supp. 2d 616 (E.D. Va. 2004). Singing religious song at graduation, student, religion.

A.W. v. FCPS, 372 F.3d 674 (C.A. 4 (Va.) 2004). ADHD, Discipline.

Demmon v. Loudon County Public Schools, 342 F.Supp. 2d 474, 193 Ed. Law 497 (E.D. Va. 2004). Forum analysis, religion.

J.D. v. Commonwealth of Virginia, 591 S.E. 2d 721, 184 Ed. Law 1049 (Ct. App.Va. 2004). Miranda, students.

Rasniek v. Dickenson County Sch. Bd., 333 F.Supp. 2d 560 (W.D. Va. 2004). Student sexual harassment, Board not liable, Title IX.

Wofford v. Evans, 390 F.3d. 318 (C.A. 4 (Va.) 2004). Seizure did not violate 4th Amendment.

Commonwealth of Virginia va. May, 2003 WL 21733728 (Va. Cir. Ct. 2003). Failure to attend school.

County of Henrico Sch. Bd. v. Palkovics, 2003 WL 22287923 (E.D. Va. 2003). IDEA, autistic.

J.H. v. Henrico County Sch. Bd., 326 F.3d 560 ( C.A. 4 (Va.) 2003). IDEA, autistic.

Koffman v. Garnett, 574 S.E. 2d 258 (S. Ct. Va. 2003). Tort of battery.

Newsom v. Albemarle County Sch. Bd., 354 F.3d 249, 184 Ed. Law 24 (C.A. 4 (Va.) 2003). Student, T-shirt, NRA.

Prince William County Sch. Bd. v. Hallums, 2003 WL 25588544 (E.D. Va. 2003). IEP, parents wanted reimbursement for private placement. Court found for school.

R.R. ex rel. R.V. v. FCPS, 338 F.3d 325(C.A. 4 (Va.) 2003). IEP, Due process.

Virginia Office of Protection and Advocacy v. Virginia Department of Education, 262 F.Supp. 2d 648 (E.D. Va. 2003). Advocacy group did not have standing to challenge outcome of Due Process.

B.P. v. Commonwealth of Virginia, 2002 WL 1901843 (Ct. App. Va. 2002). Before final disposition of the petition alleging that juvenile was a child in need of supervision, the juvenile was found in contempt, by the Juvenile and Domestic Relations (JDR) District Court, for failing to obey an interim order requiring her to attend school, and she was ordered to spend ten days in juvenile detention center. Juvenile appealed. The Circuit Court, Rappahannock County, affirmed. Juvenile appealed. The Court of Appeals held that the JDR court had authority to issue the interlocutory school attendance order and to hold the juvenile in contempt when she failed to obey the order. Affirmed.

B.P. v. Commonwealth of Virginia, 2002 WL 1901843 (Ct. App. Va. 2002). Child in need of supervision.

CroGhon v. Fairfax County Sch. Bd., 2002 WL 1941177 (Va. Cir. Ct. 2002). Student sued school board for injuries. Immunity.

Faulders v. Henrico County Sch. Bd., 190 F.Supp.2d 849, 163 Ed. Law 423 (E.D. Va. 2002). Parents of high-functioning autistic child brought action against school board under Individuals with Disabilities Education Act (IDEA), alleging that extended school year Individual Education Program (IEP) was inadequate, and seeking reimbursement for privately obtained supplemental services. On cross-motions for summary judgment, the District Court held that: (1) IEP, which focused on improving child’s communication with peers rather than on one-on-one therapy, was reasonably calculated to provide child with educational benefit, and (2) proper goal for IEP was making of "reasonable progress" on, rather than "mastery" of, stated skills. Plaintiffs’ motion denied; defendant’s motion granted.

Jaynes v. Newport News Sch. Bd., 2001 WL 788643 (C.A. 4 (Va.) 2001). Districts repeated failure to notify parents of their rights under IDEA.

Morgan v. City of Norfolk Public Sch. Bd., 2001 WL 34037286 (Va. Cir. Ct. 2001). Parent sued about homebound instruction.

Ratner v. Loudon County Public Schools, 16 Fed. Appx. 140 (C.A. 4 (Va.) 2001). Zero Tolerance.

Alston v. Virginia High School League, Inc., 108 F.Supp.2d 543 (W.D. Va. 2000). Parents and students brought § 1983 action against VHSL, challenging it promulgation of certain rules and scheduling of girls sport seasons. The District Court held the league was not entitled to qualified immunity.

Brown v. Ramsey, 121 F.Supp.2d 911, 149 Ed. Law 392 (E.D. Va. 2000). Affirmed 2001 WL 536738. First grader suffering from Asperger's Syndrome brought§ 1983 action against teacher. Court held teacher restraint by placing child in "basket hold" did not violate his substantive due process rights.

Mckemson v. Chesapeake Public Schools, 2000 WL 33261105 (Cir. Ct. Va. 2000). Plaintiff asked to vacate school board decision to expel. The court denied plaintiffs appeal. A circuit court must sustain the school board action unless it "exceeded its authority, acted arbitrarily or capriciously, or abused its discretion."

McLean v. Hatrick, 2000 WL 33258779, 52 Va. Cir. 211 (Cir. Ct. Va. 2000).

Shirey v. City of Alexandria Sch. Bd., 229 F.3d 1143 (Table unpublished) (C.A. 4 (Va.) 2000). Special needs student left in building for 70 minutes when building evacuated because of bomb threat. Board and plaintiff with OCR reached agreement.

Alston v. Virginia High School League, Inc., 184 F.R.D. 574 (W.D. Va. 1999) Girls.

Alston v. Virginia High School League, Inc., 144 F.Supp.2d 526 (W.D. Va. 1999).

Baird ex rei Baird v. Rose, 192 F.3d 462 (C.A. 4 (Va.) 1999). Disability for depression under ADA violation upheld against school board where student was excluded from show choir.

Bernard v. Sch. Bd. of the City of Norfolk, 1999 WL 504774 (E.D. Va. 1999). Special Education.

Doe v. Arlington County Sch. Bd., 41 F.Supp2d 599, 1999 WL 239359 (E.D. Va. 1999). IDEA, placement.

Manning v. The Fairfax County Sch. Bd., 176 F.3d 235, 135 Ed. Law 38 (C.A. 4 (Va.) 1999). Developmentally disabled student, by his mother, brought action against school board and school superintendent, challenging administrative dismissal of their request for due process hearing as time-barred. The United States District Court for the Eastern District of Virginia dismissed action, and student Appeals held that: (1) as matter of first impression, parent's request for administrative due process hearing under Individuals with Disabilities Education Act (IDEA) was subject to state statute of limitations, and (2) request was subject to Virginia’s general one-year limitation period on personal actions. Affirmed. Disagreed with Strawn v. Missouri, 210 F.3d 945.

Sch. Bd. Portsmouth v. Colander, 519 S. E. 2d 558 (S. Ct. Va. 1999). Coach secretly videotaped girls locker room.

Tuttle v. Arlington County Sch. Bd., 195 F.3d 698 (C.A. 4 (Va.) 1999). Can an over-subscribed school use weighted lottery in admission, to promote racial and ethnic diversity?

DesRoches v. Caprio, 156 F.3d 571, 129 Ed. Law 628,(C.A. 4 (Va.) 1998). Student, through his father, sued principal, superintendent, and school board under §1983 for injunctive and monetary relief, asserting that school officials had violated student’s rights by suspending him after he refused consent to search his backpack during investigation. The United States District Court dismissed claims for monetary damages, but granted injunctive relief. Defendants appealed. The Court of Appeals held that school officials’ proposed search of student's backpack was reasonable under Fourth Amendment. Reversed.

O'Brian v. Langley School, 507 S.E.2d 363, 130, Ed. Law 1358 (S. Ct. Va. 1998). School sued parents for payment of liquidated damages under enrollment agreement for untimely withdrawal of daughter from school. The Circuit Court granted summary judgment for school, and parents appealed. The Supreme Court held that parents were entitled to discovery with regard to defense that liquidated damages clause was an unenforceable penalty. Reversed and remanded.

Sellers v. Sch. Bd. of the City of Manassas, 141 F.3d 524, 125 Ed. Law 1078 (C.A. 4 (Va.) 1998). High school student and his parents sought compensatory and punitive damages against school board, superintendent, and school system under the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act, civil rights statutes, and the Fourteenth Amendment, essentially claiming educational malpractice in failing to earlier identify his learning disabilities. The United States District Court for the Eastern District of Virginia dismissed action for failure to state claim, and plaintiffs appealed. The Court of Appeals held that: (1) neither compensatory nor punitive damages were available for alleged IDEA violations; (2) alleged failure to diagnose student's learning disability did not state claim under Rehabilitation Act; and (3) parties may not sue under§ 1983 for statutory violation of IDEA. Affirmed.

Smith v. Norfolk City Sch. Bd., 1998 WL 34180224 (Va. Cir. Ct. 1998). Search, student.

Springer v. The Fairfax County Sch. Bd., 134 F.3d 659, 123 Ed. Law 478 (C.A. 4 (Va.) 1998). Allegedly emotionally disturbed student sued school board under Individuals with Disabilities Education Act (IDEA), seeking tuition reimbursement for his placement in private school during 1994-95 school year. The United States District Court for the Eastern District of Virginia, Chief District Judge, entered judgment for board, and student appealed. The high school student and his parents brought action against public school division alleging violation of student's due process rights arising out of his suspension and expulsion. The Circuit Court, set aside expulsion, remanded, and subsequently entered final judgment upholding school board’s reconsideration decision to expel student. Student appealed and school district cross-appealed. The Supreme Court, held that: (1) school district did not violate student's due process rights, and (2) pocketknife was not firearm within meaning of provision requiring school board to expel student from school attendance firearm to for at-least-one year for bringing school or school activity. Affirmed. Appeals held that: (1) student was "socially maladjusted"; (2) student did not have independent serious emotional disturbance in addition to being socially maladjusted; and (3) district court's exclusion of psychiatrist's testimony that could have been presented at administrative hearing was not abuse of discretion. Affirmed.

Wood v. Henry County Sch. Bd., 495 S. E. 2d 255 (S. Ct. Va. 1998). Search pocket knife.

Alston V. Virginia High School League, Inc., 176 F.R.D. 220 (W..D. Va. 1997). Females, Title IX.

Hartmann v. Loudoun County, 118 F.3d 996 (C.A. 4 Va. 1997).mainstreaming, IDEA.

Wall v. Fairfax County Public School, 475 S. E. 2d 803 (S. Ct. Va. 1996). Student election, disclosed total number of votes.

Fauquier County Dept. of Social Services v. Robinson, 455 S.E.2d 734 (Va. Ct. App. 1995). Comprehensive Service Act, At-Risk Youth.

Goodall v. Stafford County Sch. Bd., 60 F.3d 168 (C.A. 4 (Va.) 1995). Cued Speech, student.

Gearon v. Loudoun County Sch. Bd., 844 F.Supp. 1097, 91 Ed. Law 877 (E.D. Va. 1993). Action was brought alleging that school board and its division superintendent and principals at high schools violated establishment clause by permitting prayer at high school graduation ceremonies. The District Court held that: (I) establishment clause violation inherently occurs when, in secondary school graduation setting, prayer is offered, regardless of who makes decision that prayer will be given and who authorizes actual wording of remarks, and (2) even if high school graduation was not inherently state sponsored and even if prayer had clearly secular purpose, establishment clause was violated because there existed excessive state entanglement with religion. So ordered.

Broussard v. Sch. Bd. of the City of Norfolk, 801 F.Supp. 1526 (E.D. Va. 1992). Middle school student brought action against school board, principal, teacher, dean, and superintendent to challenge suspension for wearing shirt saying "Drugs Suck!" The District Court held that one-day suspension for refusing to change shirt did not violate due process and free speech rights. Judgment for defendants.

Doyle v. Arlington County Sch. Bd., 953 F.2d 100, 72 Ed. Law 44 (C.A. 4 (Va.) 1992). Parents, challenging appropriateness of individualized education program proposed by county school board for handicapped child, appealed administrative decision upholding program. The United States District Court for the Eastern District of Virginia affirmed, and further appeal was taken. The Court of Appeals held that reviewing officer’s decision to discredit witness who he had not seen or heard testify, in face of crediting of that same witness by local hearing officer who had seen and heard witness testify, was so far from accepted norm of fact-finding process designed to discover truth that district court should have given no weight to reviewing officer's credibility decision. Affirmed in part, vacated in part, and remanded. Affirmed 39 F.3d 1176 (C.A. 4 (Va.) 1994).

Jackson v. W., 419 S.E.2d 385 (Va. Ct. App. 1992). Parent appealed decision of Department of Social Services that complaint of child abuse was "founded." The Circuit Court, Washington County, found that Department's guidelines for child abuse were unconstitutional. Commissioner appealed. The Court of Appeals held that: (1) Commissioner of Department had statutory authority to adopt guidelines which helped social workers in identifying child abuse; (2) guidelines were not inconsistent with statute; (3) guidelines were not unconstitutionally vague; and (4) parent was not denied due process. Reversed.

The General Assembly declares that it is the policy of this Commonwealth to require reports of suspected child abuse and neglect for the purpose of identifying children who are being abused or neglected, of assuring that protective services will be made available to an abused or neglected child in order to protect such a child and his siblings and to prevent further abuse or neglect, and of preserving the family life of the parents and children, where possible, by enhancing parental capacity for adequate child care. Jackson v. W., 14 Va. App. 391,419 S.E.2d 385, (1992) (quoting Code§ 63.1-248.1). The Act mandates the establishment of child protective services units in each local department and gives the local departments investigative duties in child abuse and neglect cases. Code §63.1-248.6(D). The local department shall upon receipt of a report or complaint: (1) make immediate investigation; (2) when investigation of a complaint reveals cause to suspect abuse or neglect, complete a report and transmit it forthwith to the central registry; (3) when abuse or neglect is found, arrange for necessary protective and rehabilitative services to be provided to the child and his family.

Johnson v. Prince William County Sch. Bd., 404 S.E.2d 209,67 Ed. Law 818 (Va. 1991). Parents filed action seeking review of school board’s denial of their application for religious exemption from the compulsory school attendance law. The Circuit Court, Prince William County, sustained school board’s actions, and parents appealed. The Supreme Court held that: (1) compulsory school attendance law did not require school board to state its reasons for denying religious exemption; (2) sole test for exemption was bona fides of parents' religious beliefs; and (3) record supported trial court's findings that parents failed to satisfy the requirement of showing the bona fides of their religious beliefs. Affirmed.

Sch. Bd. of the County of York v. Nicely, 408 S.E.2d 545 (Va. Ct. App. 1991). Special Ed.

Doe v. Shenandoah County Sch. Bd., 737 F.Supp. 913, 61 Ed. Law 50 (W.D. Va.1990). Mother brought civil rights action under §1983 for school board’s alleged violation of rights under free exercise and establishment clauses. On mother's motion for temporary restraining order, the District Court held that mother was entitled to temporary restraining order to prevent private sectarian organization from conducting religious classes within a few feet of elementary school in buses closely resembling those used by school itself, and to prevent members of organization from entering school in attempt to recruit students for classes. Motion granted.

Child v. Spillane, 866 F2d 691 (C.A. 4 (Va.) 1989). Aids child.

Beasley v. Sch. Bd. of Campbell County, 367 S.E.2d 738 (Ct. App. Va. 1988). FAPE.

Burnham v. West, 681 F.Supp 1169 (E.D. Va. 1988). Search & seizure.

Crosby v. Holsinger, 852 F.2d 801, 48 Ed. Law 156 (C.A. 4 (Va.) 1988). Students brought First Amendment challenge against principal for banning school’s “Johnny Reb" symbol. The Court of Appeals reversed and remanded. On remand, the District Court granted a directed verdict for the principal on a broad "censorship" claim, and entered judgment on a jury verdict for the principal on one student's "protest restriction" claim. Appeal was taken. The Court of Appeals held that: (1) the principal was justified in eliminating the school's "Johnny Reb" symbol after receiving complaints from black students and parents, and (2) the jury could reasonably have found that a one-day delay in permitting a student to post notices for a school board meeting was only a de minimis violation and that the principal was acting in good faith. Affirmed.

Doe v. Rockingham County Sch. Bd., 658 F.Supp. 403, 39 Ed. Law 590 (W.D. Va. 1987). Handicapped student brought action against school board and superintendent for violations of Education for All Handicapped Children Act and §1983 as result of failure to receive prompt hearing and other procedural rights. The District Court held that: (1) school board and superintendent violated student's procedural due process rights by failing to provide prompt hearing; (2) superintendent and school board failed to provide handicapped student with notice of rights and to comply with formal procedures mandated by Act and were not permitted to leave student under disciplinary suspension during pendency of administrative proceedings; and (3) student was not required further to pursue administrative remedies in order to state §1983 claim under Act. Summary judgment granted in favor of student.

Sch. Bd. of the County of Prince William v. Malone, 762 F.2d 1210, 25 Ed. Law 141 (C.A. 4 (Va.) 1985). The United States District Court for the Eastern District of Virginia held that expulsion of a handicapped student from school was subject to review in the federal court under provisions of the Education for All Handicapped Act and that the expulsion was unlawful because the behavior for which he was expelled was caused by his handicap. On appeal by school board, the Court of Appeals held that: (1) an expulsion is a "change in placement" triggering procedural protections of the Act; (2) under such procedures, a determination must be made whether the child's unacceptable behavior was caused by his handicap; and (3) finding that the expulsion, for involvement with drug distribution, was caused by the handicap and not clearly erroneous. Affirmed.

Bernstein v. Menard, 728 F.2d 252, 16 Ed. Law 421 (C.A. 4 (Va.) 1984). Student, by his mother and next friend, brought suit against his high school band director, his principal, school superintendent and district school board chairman claiming violation of his rights under section 1983. The United States District Court granted defendants’ motion to dismiss and entered judgment for defendants; awarded attorney fees after finding that the suit was frivolous and vexatious, and student appealed. The Court of Appeals held that: (1) student's appeal was not timely filed, and (2) District Court did not abuse its discretion in determining amount of fee award. Affirmed.

Bernstein v. Menard, 557 F.Supp. 92, 9 Ed. Law 887 (E.D. Va. 1983). In civil rights action challenging demotion of high school student from first trumpet to second trumpet in high school band, the District Court held that in light of fact that Virginia presented plaintiff with a simple, relatively inexpensive, summary method of airing his grievance before an impartial tribunal, a Section 1983 action challenging demotion of a high school student from first trumpet to second trumpet in the high school band was frivolous and vexatious and therefore defendants were entitled to an award of attorney fees. Judgment in favor of defendants.

Crockett v. Sorenson, 568 F.Supp. 1422, 13 Ed. Law 290 (W.D. Va. 1983). Parents of fifth grade student brought action challenging city school system’s Bible class program as violative of First Amendment of United States Constitution. The District Court held that: (1) establishment clause permits course of Bible study to be taught in public schools, but (2) city school system's Bible class program was unconstitutional religious activity violating establishment clause. Ordered accordingly.

Grigg v. Commonwealth, 297 S.E.2d 799, 8 Ed. Law 199 (Va. 1982). Petitions were filed against parents and children alleging violations of the compulsory school attendance law. The petitions were combined and the matter was treated as a petition alleging that the children were in need of services. The Circuit Court of the City of Chesapeake ordered the parents to comply with the school attendance law. Parents appealed. The Supreme Court held that: (1) the parents, who were not trained tutors, would not qualify as a "private school" under the compulsory school attendance law; (2) home instruction by an unapproved tutor or teacher did not qualify for exemption under the circumstances; (3) the matter was civil in nature and the trial court applied a stricter standard of proof than was necessary; and (4) the Commonwealth established that the children were deliberately withdrawn from public school by their parents, that they were taught at home by persons who were not qualified as tutors or teachers and that the unlawful practice would have continued indefinitely had the court not intervened and ordered the parents to comply with the compulsory school attendance law and, therefore, the Commonwealth established that the children were in need of services. Affirmed.

Smith v. Smith, 523 F.2d 121 (C.A. 4 (Va.) 1975). Action was brought to challenge a release­ time program whereby public school students were released during school hours for religious instruction off school premises by nonprofit organization supported by council of churches. The District Court granted injunctive relief and defendants appealed. The Court of Appeals held that the release-time program had a secular purpose in accommodating wishes of students’ parents, did not excessively entangle state with religion in that public school classrooms were not turned over to religious instruction, and, as the primary effect of the program did not necessarily advance or inhibit religion, the program did not violate the establishment clause. Reversed.

Pleasants v. Commonwealth, 203 S.E.2d 114 (S. Ct. Va. 1974). Defendants, who had engaged in student protest on school grounds, were convicted in Circuit Court, Hanover County, of unlawful trespass and they appealed. The Supreme Court held that principal was vested with inherent power to revoke, for good cause, the right of a student to remain on school property when that student disrupted regular school activities; that when protest demonstration became unduly disruptive of the educational process, principal had the right and the duty to take reasonable measures to restore order; that failure of students to leave school grounds or return to class upon being ordered to do so by the principal constituted unlawful trespass; and that students whose demonstration disrupted classes were not immunized from prosecution for unlawful trespass by their First Amendment rights to freedom of speech. Affirmed.

Vaughn v. Reed, 313 F.Supp. 431(W.D. Va. 1970). Religion.

Dobbins v. Commonwealth, 96 S.E.2d 154 (Va. Ct. App. 1957). Prosecution of a father of a child under 16 years of age, for violating compulsory school attendance law. Defendant was found guilty and from conviction he appealed. The Supreme Court of Appeals held that where defendant, father of a Negro child, presented child to white school for enrollment, and the physical facilities and educational opportunities and advantages afforded students attending white school were far superior to those offered at Negro school, but school board declined to enroll child and offered to transport child to Negro school, and thereafter defendant refused to send child to school, conviction of defendant under compulsory school law was an unconstitutional application of statute and a denial of equal protection. Reversed.

Rice v. Commonwealth, 49 S.E.2d 342 (Va. 1948). Spurgeon S. Rice, C. Wesley Lewis, and A. C. Bishop were convicted of violating the compulsory education law and they bring error. Judgment affirmed. Statute requiring parents to send children to public, private, or parochial school, or have them taught at home by qualified teachers does not deprive parents of due process of law or equal protection of the laws in violation of Fourteenth Amendment notwithstanding religious belief of parents that children must be taught by parents themselves. Religious beliefs of parents that it was their duty to themselves teach children did not exempt parents from compliance with provisions of compulsory education.

**VIRGINIA CASES**

***Other***

McBurney v. Young, 133 S. Ct. 1709 (2013). U.S. Supreme Court, Virginia. FOIA.

McGee v. Virginia High School League, Inc., 801 F.Supp. 2d 526, 2011 WL 3510932 (W.D. Va. 2011) also see: 2012 WL 2914257(C.A. 4 (Va.) 2012).

Virginia Office for Protection and Advocacy v. Stewart, 131 S. Ct. 1632 (2011). Access to records in Virginia United States Supreme Court.

Cole v. Buchanan County Sch. Bd., 328 Fed. Appx. 204 (C.A. 4 (Va.) 2009). Reporter banned from school property by school board, See also: Cole v. Buchanan County Sch. Bd., 2009 WL 4571761 (W.D. Va. 2009). Plaintiff awarded $26,105 in attorneys’ fees and $1,182 in other costs.

Bacon v. City of Richmond, 475 F.3d 633 (C.A. 4 (Va.) 2007). Cannot make city pay for school building because not accessible, disability.

Sanders v. Brown, 257 Fed. Appx. 666 (C.A. 4 (Va.) 2007). Principal not deliberately indifferent to sex abuse.

Simpson v. Chesterfield County Board Of Supervisors, \_\_\_F.Supp. 2d \_\_\_, 2003WL 22717777, (E.D. Va. 2003). Prayer at Board meetings, Wicca religion.

Bach v. Sch. Bd. of City of Norfolk, 2001 WL 491981 (E.D. Va. 2001). Board policy “personal attacks” limited public forum.

Brown v. Ramsey, 121 F.Supp. 2d 911 (ED Va. 2000). Affirmed 2001 WL 536738.

Colona v. Accomack County Sch. Bd., 2000 WL 1528703 (Cir. Ct. Va. 2000).

Francis v. Barnes, 208 F.3d 208 (C.A. 4 (Va.) 2000). Board denies religious exemption from compulsory a hindrance.

Johnson v. City of Chesapeake Sch. Bd., 2000 WL 33258785 (Cir. Ct. Va. 2000). Parent found Science text offensive, evolution, Va. Code Section 22.1-87.

Riddick v. Sch. Bd. of Portsmouth, 238 F.3d 618 (C.A. 4 (Va.) 2000). hidden video camera in women’s track team, Section 1983 action.

Riddick v. Sch. Bd. of Norfolk, 784 F.2d 521, (C.A. 4 (Va.) 1986). First unitary school deseg case.

Parents, Alumni, Taylor School v. City of Norfolk, 37 F.Supp 2d 435 (E.D. va. 1999).

Lovern v. Edwards, 190 F.3d 684 (C.A. 4 (Va.) 1999).

Lewis v. Amherst County Sch. Bd., 151 F.3d 1029 (C.A. 4 (Va.) 1998).

Flinkinger v. Sch. Bd., 799 F.Supp. 586 (E.D. Va. 1992). School board can be sued under 42 USC § 1983.

Irby v. Fitz-Hugh, 692 F.Supp. 610 (ED. Va. 1988) Irby v. Virginia State Board of Ed. 889 F.2d 1352 (C.A. 4 (Va.) 1989). Cert. denied, 496 U.S. 906, 110 S. Ct. 2589 (1990). Scheme of appointing local school boards did not violate First Amendment.

Hamer v. Sch. Bd. of the City of Chesapeake, 393 S. E. 7d 623 (S. Ct. Va. 1990). Condemnation of owner’s property.

Commonwealth v. County Board of Arlington County, 232 S.E. 2d 30 (S. Ct Va. 1977). Employees could not negotiate with Sch. Bd. unless express statutory authority was granted.

Pleasants v. Commonwealth, 203 S.E. 2d 114 (1974) School board can delegate responsibility.

Bradley v. Sch. Bd., 462 F.2d 1058 (C.A. 4 (Va.) 1973). Aff’d 412 U.S. 92, 93 S. Ct. 1952 (1973). Power to operate schools exclusive jurisdiction of local school boards.

Wright v. Council of Emporia, 407 U.S. 451, 92 S.Ct. 2196 (1972). Desegregation.

**VIRGINIA CASES**

***Virginia Tort Cases – Liability***

Webb v. Virginian Pilot Media 752 S.E. 2d 808 (S. Ct. Va. 2014). Defamation.

Burns v. Gagnon, 727 S.E.2d 634 (S. Ct. Va. 2012). Vice Principal was not a “teacher” within meaning of statute (8.01-220.1:2). According civil immunity to teachers for acts or omissions relating to “supervision, care or discipline of students”.

Roach v. Botecourt County Sch. Bd., \_\_\_F.Supp. 2d\_\_\_, 2010 WL 5387467 (W.D. Va. 2010). Bus driver and school board had sovereign immunity.

Virginia – Pilot Media Cus. LLC. etc. v. City of Norfolk Sch. Bd., 2010 WL 7765117 (Ct. App. Va. 2010). FOIA.

Code of Virginia § 8.01-220.1:2 Civil immunity for teachers under certain circumstances (passed in 2007).

a. Any teacher employed by a local school board in the Commonwealth shall not be liable for any **civil damages** for any acts or omissions resulting from the supervision, care or discipline of students when such acts or omissions are within such teacher’s scope of employment and are taken in good faith in the course of supervisions, care or discipline of students, unless such acts or omissions were the result of gross negligence or willful misconduct.

b. No school employee or school volunteer shall be liable for any **civil damages** arising from the prompt good faith reporting of alleged acts of bullying or crimes against others to the appropriate school official in compliance with specified procedures.

c. This section shall not be construed to limit, withdraw or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law, or to prohibit any person subject to bullying or a criminal act from seeking redress under other provision of law (1997, cc. 349, 879; 2005, c. 462).

Jackson v. Hartig, 645 S. E. 2d 303 (Sup. Ct. Va. 2007). Legislator, defamation.

Frederick County Sch. Bd. v. Hannah, 590 S.E. 2d 567 (S. Ct. Va. 2004). sued over school bus injury, insurance.

Koffman v. Garnett, 574 S. Ed. 2d 258, (S Ct. Va. 2003). A 260 pound coach “slammed” a 144 pound student in the ground while explaining a tackling technique in a football practice. Apparently the coach was upset with the defensive players’ tackling in a previous game. The student suffered a broken humerus bone in the left arm. The court ruled the coach could be liable for actions in gross negligence and battery (intentional hurt).

Reid v. Hammer, 2003 WL21649936 (Va. Cir. Ct. 2003). Sovereign immunity police officer.

Groham v. Fairfax County Sch. Bd., 2002 WL 1941177 (Va. Cir. Ct. 2002). Student sued because of injury.

Jones v. Fairfax County Public Schools, 2002 WL 31811004 (Va. Cir. Ct. 2002). Breach of contract, also raised tort.

Linhart v. Lawson, 2001 WL 37849, 540 S.E.2d 875 (S. Ct. Va. 2001). Motorist injured in collision with school bus brought personal injury action against bus driver and school board. The Circuit Court of the City of Norfolk granted defendants’ special pleas in bar asserting defense of sovereign immunity and denied motorist’s motion for summary judgment. Motorist appealed. The Supreme Court held that: (1) sovereign immunity did not bar action against school board; (2) motorist could maintain negligence action against school board; and (3) bus driver was immune from action for simple negligence.

Carr v. Salem City School, 1999 WL 104800 (Va. Cir. Ct. 1999). Student beaten at school after Principal promised mother protection. Sovereign immunity. “There is nothing fair about the principle that the Commonwealth is immune from law suits for its acts of simple negligence when performing its governmental function. The doctrine of sovereign immunity from civil suits causes extreme hardships in individual cases. It is, however, a tenet of our law that the legislature has seen fit to preserve. The statutorily enacted exceptions to this concept do not apply in this case.”

Wagoner v. Benson, 505 S.E.2d 188 (S. Ct. Va. 1998). Minor hit by car while crossing road to board school bus. Court held that accident was covered under school board’s motor vehicle liability policy and thus school board and driver were not entitled to sovereign immunity.

Hawkins v. County of Greene, 1997 WL 1070671 (Va. Cir. Ct. 1997). Maintenance worker sued over injury.

Steinla v. Jackson, 1997 WL 1070597 (Va. Cir. Ct. 1997). Teacher sued parent for libel.

Lee v. Bourgeois, 477 S.E.2d 495 (S.Ct. Va. 1996). Infant, by her mother and next friend, filed motion for judgment against attending physician at university hospital. The Circuit Court dismissed physician with prejudice. Infant appealed. The Supreme Court held that attending physician was not entitled to sovereign immunity. Reversed and remanded.

Carvajal v. Snider, 1993 WL 946089 (Va. Cir. Ct. 1993). Fairfax County Public School defendant – injury uninsured motorist.

Houchens v. Commonwealth of Virginia, 1991 WL 835371 (Va. Cir. Ct. 1991). UVA, Tort, Medical Center.

Monroe v. Commonwealth of Virginia, 1991 WL 835371 (Va. Cir. Ct. 1991). UVA medical school, tort.

Lentz v. Morris, 372 S.E.2d 608, 49 Ed. Law 996 (1988). Immuned. 1) Immunity for teachers (ordinary negligence, does not cover gross negligence).

McKay v. Clarke County Sch. Bd., 1988 WL 619141 (Cir. Ct. Va. 1988). teacher sued Sch. Bd. for defamation. Also see: 1987 WL 534131(Va. Cir. Ct. 1987).

Richmond Newspaper, Inc. v. Lipscomb, 362 S. E. 2d 32 (S. Ct. Va. 1987). Teacher defamation, actual malice.

Harlow v. Clatterback, 230 Va. 490 (1986). Immuned. 1) Judicial Immunity for employees of Department of Corrections.

Gazette, Inc. v. Harris, 325 S. E. 2d 713 (1985). Defamation.

Armstrong v. Johnson: Messina v. Burden, 321 S.E.2d 657 (1984). Superintendent of Buildings – Tidewater Community College; Chief of the Operations Division of the Department of Public Works of Arlington County, Virginia.

Banks v. Sellers, 294 S.E.2d 862, 6 Ed. Law 400 (1982). Division Superintendents; High School Principals.

Tort Claim Act, Code of Virginia 8.01-195.1 (1982).

Fleming v. Moore, 275 S.E.2d 632 (S. Ct Va. 1981). Defamation, public figure, per se, per quod.

James v. Jane, 282 S. E. 2d 864 (S. Ct. Va. 1980).

Lawhorne v. Harlan, 200 S.E.2d 569 (1973). Chief Administrator, the Assistant Administrator and a surgical intern at University of Virginia Hospital.

Crabbe v. Sch. Bd. and Albrite, 164 S.E.2d 639 (1969). Overturned by Lentz, not immuned. 1) Teacher.

Crabbe v. Sch. Bd. and Albrite, 164 S.E.2d 639 (1968). Sch. Bd.

Kellan v. Sch. Bd., 117 S.E.2d 96 (1960). Norfolk City Sch. Bd.