

# CLIENT NEWS BRIEF

## Pair of Cases Uphold School Districts' Limitations on Parent Communications and Access to Campus

Parents have legal rights to access school campuses, advocate for their children, and otherwise be involved in their students' education. However, in a pair of recent cases, the U.S. Court of Appeals for the Ninth Circuit, affirmed, again, that these rights are not unlimited, and are subject to restriction if parents cannot adhere to a school's standards of conduct.

### **L.F. v. Lake Washington School District (L.F.)**

The L.F. case involved a parent who disagreed with the school's decision not to find his daughter eligible for a plan under section 504 of the Rehabilitation Act of 1973 (section 504). Expressing his displeasure with the school district's actions and his daughter's education, the parent engaged in "incessant emails...presumptuous demands...demeaning insults," and "aggressive, hostile, and intimidating" face-to-face interactions. In response, the school district imposed a "communication plan," which provided that the district would not respond to the parent's emails, and the parent's communications would be limited to biweekly in-person meetings with school administrators. Following the parent's violation of the plan, the district reduced the meetings to once per month.

The parent filed suit in federal court, alleging the communication plan imposed by the district violated his First Amendment free speech rights, constituted retaliation under section 504, and also violated Washington state anti-discrimination laws. The Ninth Circuit's opinion only addressed the parent's First Amendment claim. Reasoning that the First Amendment imposes no requirement for public agencies to listen or respond to citizen concerns, the Ninth Circuit concluded that limiting communications to specific channels, if the parent wished to obtain a response, was not a violation of the parent's free speech rights under the First Amendment.

### **Camfield v. Redondo Beach Unified School District (Camfield)**

This case, also decided by the Ninth Circuit, addressed a similar fact pattern, but was brought as a claim under section 504 and the Americans with Disabilities Act. In *Camfield*, a parent verbally harassed her student's instructional aide to the extent that the aide "felt so uncomfortable that she would hide inside a locked classroom until [the parent] left the campus." In response, the school district issued a "disruptive parent letter," requiring the parent to seek the school principal's permission 24 hours in advance of any campus visit.

The parent filed suit, alleging that the limitations on her campus access were in retaliation for her advocacy on behalf of her daughter, who was a student with a disability. The Ninth Circuit found against the parent. Given the parent did not dispute the school district's characterization of her conduct, the Ninth Circuit found the parent's actions presented a legitimate, nonretaliatory reason for

April 2020  
Number 29



Sloan R. Simmons  
Partner  
Sacramento Office  
[ssimmons@lozanosmith.com](mailto:ssimmons@lozanosmith.com)



Tillman A. Heyer  
Associate  
Sacramento Office  
[theyer@lozanosmith.com](mailto:theyer@lozanosmith.com)



*As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.*

# CLIENT NEWS BRIEF

April 2020  
Number 29

limiting access to campus. Moreover, such limitations did not interfere with the parent's ability to advocate on behalf of her child, as the school district never denied permission for her to access the campus. Because the school district responded to the tone of communications, and not the content, the restriction on parental access to campus was reasonable and justified.

## Takeaways

*Camfield* and *L.F.* both feature examples of procedures available to school districts when parents repeatedly violate standards of conduct. To best defend against claims of retaliation, districts should cite specific factual examples of conduct justifying communications restrictions when communicating with parents in such situations. While *Camfield* and *L.F.* feature examples of how a parent's communications with school staff can be restricted, neither case provides support that communication or access to campuses can be completely forbidden. Further, while neither case analyzes parental participation rights under the Individuals with Disabilities Education Act, it is likely that a court would analyze such an issue and conclude similarly to how the Ninth Circuit did in these cases. *Camfield* and *L.F.* provide some examples of how a school district can respond to disruptive or disrespectful parents, but school districts also have other tools when faced with a parent whose conduct jeopardizes the safety or well-being of school employees or the school environment generally. Restricting communications or access of parents, particularly parents of students with disabilities, requires a careful fact-based analysis given protections afforded by anti-discrimination and disability education laws.

If you have any questions about how to address situations involving parents violating standards of conduct, or school safety in general, please contact the author of this Client News Brief or an attorney located at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

*As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.*