

TEACHER SUES SCHOOL DISTRICT MULTIPLE TIMES FOR RETALIATION, DISCRIMINATION



A former teacher was employed at a Kansas school district for a number of years. But after he moved to another state and then returned to Kansas, the school district would not rehire him. He claimed that the district's refusal to hire him was based on his race and was retaliation. So he sued. Three times. The man, who is black, worked at the district from 1980-1996 as a physical education teacher, as well as a basketball coach for some of that time. He was transferred as the girls' basketball coach due to a report of inappropriate conduct and was discharged as the boys' coach based on his performance. He filed a lawsuit against the school district for racial discrimination and retaliation in 1991 – while still working there – but the suit failed, and he was ordered to pay attorney fees. In 1996, he moved to Texas. He returned to Kansas in 2000 and applied for teaching and coaching jobs at the same school district. After an interview in 2001, the HR manager sent the plaintiff a letter and relayed the superintendent's decision to not rehire him based on his prior employment. He subsequently filed another lawsuit, but the court ruled against him as he had not filed the suit in a timely manner.



In 2009, the man applied for three positions: head coach, substitute teacher and special education teacher. He alleges that he was told about a school board meeting, in which one member stated that "all [the plaintiff] wants to do is sue [the school district]," and the attorney advised the board that the district may face liability if the man was rehired and a "sexual incident" were to occur between the teacher and a student. He filed a third lawsuit in 2010, making an identical claim that he had not been hired based on his race. The district court ruled in favor of the school district for essentially two reasons: (1) The court believed that the suit was based on the district not rehiring him in 2001, which would make it time-barred and subject to *res judicata* (the court had already made a decision, in this case the second lawsuit); and (2) the plaintiff was unable to casually link his protected activity to the district's decision to not hire him. On appeal, the court focused the bulk of its argument on the claim of racial discrimination. The plaintiff noted positive comments made and persons offering him jobs (e.g., a principal stating that he would hire the man as a coach if the present coach were to leave), but apparently only one man decided not to hire the plaintiff, which would negate the others' opinions or offers. The court furthermore determined that the remarks at the school board meeting were inadmissible and that the plaintiff failed to provide evidence of discriminatory behavior on the part of the school district. The appeals court affirmed the district court's judgment.