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United States District Court
Central District of California

COREY CAMFIELD and MISTY CAMFIELD,

Plaintiffs,

v.

BOARD OF TRUSTEES OF REDONDO BEACH UNIFIED SCHOOL DISTRICT; STEVEN E. KELLER; ERIK ELWARD; ORYLA WIEDOEFT; ANNETTE ALPERN; REDONDO BEACH UNIFIED SCHOOL DISTRICT; and DOES 1 through 10, inclusive,

Defendants.

Case № 2:16-cv-02367-ODW-FFM

ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT [55, 56]

I. INTRODUCTION

This case is about competing rights: the right of elementary school children's parents to access their children's school campus, and the right of the school to restrict that access in certain circumstances. Following a few disagreements and other incidents between Plaintiffs Corey and Misty Camfield[1] and administrators, teachers, and other parents at Jefferson Elementary School, the school restricted Corey and

[1] Because the two Plaintiffs are spouses and share a last name, the Court refers to them by their first names to avoid confusion.

Misty's access by requiring them to obtain advance permission to visit the school's campus. (Statement of Uncontroverted Facts ("SUF") ¶¶ 65, 84, ECF No. 55-2.) In response, Corey and Misty sued the school district and several individuals in their official and individual capacities for retaliation and violation of the Camfields' constitutional rights. (*See* Compl., ECF No. 1.)[2] In December 2016, this Court granted in part Defendants' Motion to Dismiss and dismissed several of Corey and Misty's claims without leave to amend. (ECF No. 42.) Now, Defendants seek summary judgment (or, in the alternative, partial summary judgment) on the remaining claims. (ECF Nos. 55, 56.) For the reasons discussed below, the Court **GRANTS** Defendants' Motion and enters judgment against Corey and Misty Camfield.

II. FACTUAL BACKGROUND

Defendant Redondo Beach Unified School District ("RBUSD") is a public school district in California. (SUF ¶ 1.) Jefferson Elementary, the school at issue in this case, is within RBUSD. (*Id.* ¶ 6.) Defendant Dr. Steven Keller is the RBUSD Superintendent of Schools, Defendant Dr. Erik Elward is RBUSD's Director of Educational Services, Defendant Dr. Annette Alpern is RBUSD's Deputy Superintendent for Educational Services, and Defendant Dr. Oryla Wiedoeft was the principal of Jefferson Elementary during the 2014-15 school year. (*Id.* ¶¶ 2–5.)

Plaintiffs Corey and Misty Camfield are the parents of three children, all of whom were enrolled at Jefferson Elementary during the 2014-15 school year. (*Id.* ¶ 7.) During that school year, two of Corey and Misty's children—"Minor 1" and "Minor 2"—were enrolled in the Fifth Grade, and their other child—"Minor 3"—was enrolled in the Third Grade. (*Id.* ¶ 8.) During this time, Minor 1 received special education services at Jefferson Elementary. (*Id.* ¶ 9.) At all relevant times, Minors 2

[2] In July of 2016, Plaintiffs filed a First Amended Complaint, and in August of 2016, they filed a Second Amended Complaint. (ECF Nos. 20, 26.)

and 3 were not diagnosed with any disability nor had they ever been deemed eligible for special education services. (*Id.* ¶ 10.)

During spring 2014 through spring 2015 (encompassing part of the 2013-14 school year and the entire 2014-15 school year), Corey and Misty were involved in incidents with a few different individuals at Jefferson Elementary. (*See id.* ¶¶ 11–85.) The first incident was in spring 2014 when a "Spring Party" was held in Mrs. Storer's classroom, in which Minor 3 was then a student. (*Id.* ¶ 11.) The "class parent" for Mrs. Storer's class was a mother named Mrs. Boitano. (*Id.* ¶ 12.) In preparation for the Spring Party, Mrs. Boitano had invited a few adults to help out in the classroom who did not have children in Mrs. Storer's class. (*Id.*) Mrs. Boitano did not invite any parents of children in Mrs. Storer's class to help out. (*Id.* ¶ 13.) Once Misty became aware of this, she sent out an email to all parents in the class regarding Mrs. Boitano's behavior. (*Id.* ¶¶ 14–16.) Following the email, the then-principal of Jefferson Elementary tried to mediate the conflict between the two parents. (*Id.* ¶ 17.) However, a couple of weeks later, Mrs. Boitano's husband Robert had an altercation with Corey at the Jefferson Elementary school campus. (*Id.* ¶ 18.) The crux of the incident is that Robert demanded that Corey make Misty apologize to Mrs. Boitano. (*Id.*) The incident became heated enough that Corey and Misty later filed a police report. (*See id.* ¶ 20–22.) School classes and activities then took a break for the summer.

In August 2014, when Jefferson Elementary posted classroom assignments for the 2014-15 school year, Misty became upset when she found out that Minor 3 had been assigned to Mrs. Picazo's class. (*Id.* ¶¶ 24–28.) Misty believed that Mrs. Picazo was in recovery for alcohol addiction and that she was not a suitable teacher. (*Id.* ¶ 29.) Misty made an appointment with school principal Dr. Oryla Wiedoeft to discuss the placement. (*Id.* ¶¶ 31–33.) Dr. Elward also attended that meeting. (*Id.* ¶ 35.) In the meeting, Misty raised her voice and used profane language. (*Id.* ¶ 36.) Dr. Elward

warned Misty that this behavior and language was inappropriate for an elementary school camps. (*See id.* ¶ 37.)

On the first day of school, Misty and Corey did not allow Minor 3 to attend school, because they were displeased with her placement in Mrs. Picazo's class. (*Id.* ¶ 38.) As a result, Dr. Elward explained the school attendance policy to the Camfields and warned them that after three unexcused absences, RBUSD would issue a truancy letter. (*Id.* ¶¶ 39, 40.)

Later that day, Misty showed up to pick up Minors 1 and 2 from school, with Minor 3 in tow (who had not attended school that day). (*See id.* ¶¶ 43, 44.) While on campus, she went to Mrs. Picazo's classroom to discuss the classroom assignment. (*Id.* ¶¶ 44, 45.) Mrs. Picazo and Dr. Wiedoeft were the only people in the classroom when Misty arrived. (*Id.* ¶ 45.) Because Misty had not made an appointment to see Mrs. Picazo, Dr. Wiedoeft asked Misty to leave and to set up an appointment at another time. (*Id.* ¶¶ 46, 47.) Misty then got upset and used profane language, calling Dr. Wiedoeft a "fucking bitch" before leaving the room. (*Id.* ¶ 48.) Later in August, Misty and Corey did allow Minor 3 to attend school in Mrs. Picazo's classroom. (*Id.* ¶ 55.)

In October 2014, Corey Camfield and Robert Boitano had another altercation. (*Id.* ¶¶ 57–62.) Corey believed that Robert was following him around campus, and in response, he confronted Robert and both men raised their voices and used profane language. (*Id.*) Several students and one teacher witnessed the incident. (*Id.*) The teacher reported the incident to Dr. Wiedoeft. (*Id.* ¶ 62.) Dr. Wiedoeft met with both Corey and Robert, and after the meeting, she issued "disruptive parent letters" to both of them. (*Id.* ¶¶ 63–66.) A disruptive parent letter is a letter informing parents that their access to campus has been restricted (but not banned) due to disruptive behavior. Corey's letter read in pertinent part:[3]

[3] Robert Boitano's letter was nearly identical to Corey's. (SUF ¶ 71.)

> Effective as of today, October 14, 2014, you are not permitted to come onto the Jefferson Elementary School campus without Dr. Wiedoeft's written authorization, and this will require you to give Dr. Wiedoeft a 24 hour notice as to what your purpose is for coming onto the campus.[4]

(*Id.* ¶¶ 66–68.)

Following mediation and discussion with school officials, Corey's restrictions on campus access were lifted on or shortly after January 6, 2015. (*See id.* ¶¶ 73–77.)

Later in January 2015, Misty was involved in a few incidents at the school. (*Id.* ¶¶ 78–84.) She repeatedly went into the school's Learning Center without an appointment, which is a violation of school rules. (*Id.* ¶¶ 78, 79.) She also twice used profanity in addressing Minor 1's instructional assistants. (*Id.* ¶¶ 80, 81.) According to one of the assistants, Ms. Comeaux, Misty's behavior made her so uncomfortable that she would hide inside a locked classroom until Misty left the campus. (*Id.* ¶ 82.)

After learning about this behavior, Dr. Elward issued Misty a disruptive parent letter. The letter was substantially similar to the letter previously sent to Corey. (*Id.* ¶¶ 83, 84.) During the period in which Misty's access to campus was restricted, she requested access several times. (*Id.* ¶ 88.) Dr. Wiedoeft granted some but not all of the requests. (*Id.* ¶ 89.) For example, Misty was allowed to attend an open house, a hands-on art activity, the Fifth Grade graduation, and a grade party. (*Id.* ¶ 90.) However, she was not allowed to attend some hands-on activities in Ms. Picazo's classroom. (*Id.* ¶ 91.)

The 2014-15 school year was the Camfield family's last year at Jefferson Elementary. (*See id.* ¶ 92.) Minors 1 and 2 matriculated to Adams Middle School, and Minor 3 transferred to Washington Elementary School. (*Id.*)

After their children left Jefferson Elementary, the Camfields filed this suit based on the injustice they believe they experienced in having their access to the school

[4] Of note, the disruptive parent letter did not prohibit activities such as picking up and dropping off children at school or bringing notes to the school office for excused absences. (*See id.* ¶ 87.)

restricted. (*See* ECF No. 1.) Defendants' position throughout this litigation has been that they were justified in restricting the Camfields' access to Jefferson Elementary.

The Camfields' Second Amended Complaint ("SAC") listed six causes of action. However, on December 2, 2016, this Court dismissed half of them. (ECF No. 42.) The remaining causes of action are:

(1) Retaliation in violation of Section 504 of the Rehabilitation Act against RBUSD and the individual defendants in their individual capacities;

(2) Retaliation in violation of Title II of the Americans with Disabilities Act ("ADA") against RBUSD and the individual defendants in their official capacities; and

(3) Deprivation of civil rights, under 42 U.S.C. § 1983 against the individual defendants in their individual capacities.

(*See* SAC, ECF No. 26.)

III. LEGAL STANDARD

"The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. Proc. 56(a). A party seeking summary judgment bears the initial burden of informing the court of the basis for its motion and identifying those portions of the pleadings and discovery responses that demonstrate the absence of a genuine issue of material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). Where the moving party will have the burden of proof on an issue at trial, the movant must affirmatively demonstrate that no reasonable trier of fact could find other than for the moving party. *See id.* On an issue as to which the nonmoving party will have the burden of proof, however, the movant can prevail merely by pointing out that there is an absence of evidence to support the nonmoving party's case. *See id.*

If the moving party meets its initial burden, the nonmoving party must set forth, by affidavit or as otherwise provided in Rule 56, "specific facts showing that there is a genuine issue for trial." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250 (1986).

In evaluating the evidence presented in support of or in opposition to summary judgment, the court does not make credibility determinations or weigh conflicting evidence. Rather, it draws all inferences in the light most favorable to the nonmoving party. *See T.W. Elec. Serv., Inc. v. Pac. Elec. Contractors Ass'n*, 809 F.2d 626, 630–31 (9th Cir. 1987). However, conclusory or speculative testimony is insufficient to meet this burden or to raise genuine issues of fact defeating summary judgment. *See Nelson v. Pima Cmty. Coll.*, 83 F.3d 1075, 1081–82 (9th Cir. 1996).

IV. DISCUSSION

Corey and Misty's causes of action for retaliation, under both Section 504 of the Rehabilitation Act and Title II of the ADA, can be analyzed together because they are based on the same standard. *Douglas v. Cal. Dep't of Youth Auth.*, 285 F.3d 1226 n.3 (9th Cir. 2002) ("cases interpreting either [Section 504 or the ADA] are applicable and interchangeable" (quoting *Allison v. Dep't of Corr.*, 94 F.3d 949, 497 (9th Cir. 1996))). The Court will first analyze the retaliation claims before turning to the § 1983 claim.

A. Claims under Section 504 of the Rehabilitation Act and Title II of the ADA

Corey and Misty's retaliation claims are rooted in the fact that their child, Minor 1, has a disability and received special education services at Jefferson Elementary. (*See* SUF ¶ 9.) According to Corey and Misty's operative complaint, their behavior leading up to the issuance of their respective disruptive parent letters was in connection with advocating for their disabled child, and the letters represent the school's retaliation for the parents' advocacy. (SAC ¶ 33.)

1. Legal Standard

Both Section 504 of the Rehabilitation Act and Title II of the ADA contain anti-retaliation provisions, which are designed to give non-disabled persons standing to bring claims for retaliation they experience in advocating for the rights of disabled persons. *See Barker v. Riverside Cnty. Office of Educ.*, 584 F.3d 821, 824–28 (9th Cir. 2009). In order to prove a retaliation claim under either statute, a plaintiff must first make a prima facie case. A prima facie case for retaliation requires a plaintiff to show

that (1) they engaged in a protected activity; (2) the defendant knew that the plaintiff was engaging in a protected activity; (3) the plaintiff experienced an adverse action on the part of defendant; and (4) a causal connection exists between the protected activity and the adverse action. *Pardi v. Kaiser Found. Hosp.*, 389 F.3d 840, 849 (9th Cir. 2004). If a plaintiff can make the prima facie case, the burden shifts to the defendant to show a legitimate, non-retaliatory reason for taking the adverse action. *Id.* And if the defendant can make that showing, the burden once again shifts to the plaintiff to demonstrate that the defendant's "legitimate" reason is pretexual. *Brooks v. City of San Mateo*, 229 F.3d 917, 928 (9th Cir. 2000).

2. Analysis

First, Corey and Misty admit in their Reply that Corey has no valid claim for retaliation. (Reply 2, ECF No. 62 ("Therefore, summary judgment must be granted in support of defendants as to Corey Camfield's first and second causes of action.").) Thus, analysis is only necessary as to Misty's retaliation claims. Further, only Misty's conduct in relation to Minor 1 is relevant to the retaliation claims, as the conduct must involve advocacy for a disabled person, and Minor 1 is the only Camfield child with a disability.

A reasonable jury could conclude that Misty has established a prima facie case here because she can show that she (1) was engaged in a protected activity in advocating for Minor 1's education; (2) Defendants knew that Minor 1 was receiving special education services and that Misty was advocating for the child's educational situation; (3) the disruptive parent letter constitutes "adverse action"; and (4) the reason for the issuance of the disruptive parent letter was Misty's behavior in connection with promoting Minor 1's education. Indeed, Defendants concede in their Motion that "Misty Camfield can demonstrate prima facie causation based on temporal proximity." (Mot. 19.)

However, there is no genuine dispute that Defendants had a legitimate, non-retaliatory or pretextual basis for restricting Misty's access to campus. It is undisputed

that school administrators found Misty's behavior on campus unacceptable on repeated occasions throughout 2014 and 2015. (SUF ¶¶ 66, 84.)

In their Opposition, Misty and Corey primarily argue that Misty's behavior was not sufficiently "disruptive" to restrict her access to campus—and thus that Defendants' restrictions on her access to campus were retaliatory and non-legitimate. Corey and Misty cite *Lee v. Natomas Unified School District*, 93 F. Supp. 3d 1160, 1169 (E.D. Cal. 2015), which found that "disruptive behavior" that has risen only to the level of causing school district staff to feel annoyed and harassed is not a proper basis for excluding a parent from a school campus. Corey and Misty argue that here, too, the "disruptive" behavior was merely an annoyance to school district staff and thus did not warrant the disruptive parent letter restricting Misty's access to campus. However, *Lee* is distinguishable in that the school district's action involved seeking a restraining order, whereas in this case Defendants temporarily restricted Misty's access but did not ban it altogether.

Misty and Corey cite another case, *Braxton v. Municipal Court*, 10 Cal. 3d 138, 150 (1973), to argue that Misty's behavior was not sufficiently disruptive to warrant Defendants' adverse action. *Braxton* stands for the rule that a person's conduct must constitute a "substantial and material threat" to the orderly operation of campus in order for a school to be justified in restricting that person's access to campus. *Id.* at 145. This argument fails because *Braxton* dealt with an incident on a college campus, and the California Court of Appeal has subsequently determined that the holding in *Braxton* does not apply to the conduct of non-students or to primary or secondary schools. *See O'Toole v. Superior Court*, 140 Cal. App. 4th 488, 512–13 (2006); *Reeves v. Rocklin Unified Sch. Dist.*, 109 Cal. App. 4th 652, 660 (2003).

Without any meaningful citations to case law supporting parents' unfettered right to access an elementary school campus, Corey and Misty's argument that Defendants' actions were not warranted fails. As such, the Camfields cannot meet their burden of proving that Defendants' proffered reason for the restrictions on access

was pretextual. The Court therefore **GRANTS** Defendants' motion for summary judgment as to the Camfields' Section 504 and ADA retaliation claims.

B. Section 1983 Claim

Corey and Misty allege violations of both the federal and California state constitutions under this cause of action. The alleged violations are of Corey and Misty's rights to free speech, equal protection, and procedural due process of law. However, the California Supreme Court has held that there is no private right of action for damages for alleged violations of the free speech, due process, or equal protection rights enumerated in the California Constitution. *See, e.g.*, *Degrassi v. Cook*, 29 Cal. 4th 333, 338 (2002); *Katzberg v. Univ. of Cal.*, 29 Cal. 4th 300, 314 n.15 (2002). Thus, the Camfields' § 1983 cause of action need only be analyzed as to their allegations of federal constitutional violations.

Corey and Misty assert this cause of action against only the individual defendants (Dr. Steven Keller, Dr. Erik Elward, Dr. Oryla Wiedoeft, and Dr. Annette Alpern) in their individual capacities.

1. Legal Standard

In order to successfully make a claim for constitutional violations under § 1983, Corey and Misty must prove: (1) the individual defendants subjected Corey/Misty to conduct that occurred under color of state law; and (2) this conduct deprived Corey/Misty of rights, privileges, or immunities guaranteed under federal law or the U.S. Constitution. *West v. Atkins*, 487 U.S. 42, 48 (1988).

2. Analysis

The Court will analyze the Camfields' case as to each asserted violation.

i. Free Speech Violation

Corey and Misty claim that because their speech—specifically, arguments with other parents and teachers on campus, as well as profanity used during school meetings—was the basis for the school's restrictions on their access to campus, their freedom of speech has been impermissibly curtailed. However, the biggest legal

barrier to this argument is that public schools are not public forums for purposes of free speech.

Traditional public forums are places like public parks or sidewalks. In those spaces, regulation of speech is permissible only where it is "narrowly drawn to achieve a compelling state interest." *Int'l Soc'y for Krishna Consciousness, Inc. v. Lee*, 505 U.S. 672, 678 (1992). The Ninth Circuit has held that public schools are not public forums for purposes of free speech. *See DiLoreto v. Downey Unified Sch. Dist. Bd. of Educ.*, 196 F.3d 958, 965 (9th Cir. 1999). As a result of that status, government actors are permitted to "make distinctions in access on the basis of subject matter and speaker identity . . . . The touchstone for evaluating these distinctions is whether they are reasonable in light of the purpose which the forum at issue serves." *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 49 (1983).

Given this broad discretion of school administrators to restrict speech on campus, no reasonable jury could find that the temporary limitations (and not total ban) of Corey and Misty's participation on Jefferson Elementary's campus were not reasonable in light of their disruptions to the normal activities of campus.

Notably, Corey and Misty cite only one federal case in their Opposition to support their argument that they were subjected to a violation of their free speech rights. The case is *Jeglin v. San Jacinto Unified School District*, 827 F. Supp. 1459 (C.D. Cal. 1993), and it holds that prohibiting elementary school and middle school students from wearing clothing "bearing insignias, writings or pictures which identify any college or professional sports team" is a violation of the students' free speech. *Id.* at 1464. While the case does stand loosely for the proposition that free speech rights weigh more heavily in some instances than a school's interest in protecting its educational process, *Jeglin* is easily distinguishable from the instant matter because the level of disturbance—children wearing sports teams' t-shirts—is far below the disturbance in this case: parents getting into fights and using abusive and

inappropriate language on an elementary school campus. *See id.* Thus, the Camfields' First Amendment claim fails.

ii. Equal Protection Violation

Next, Corey and Misty allege that the individual defendants violated their right to equal protection under the Fourteenth Amendment. There are two ways in which a person can allege a violation of their right to equal protection. First, a person can claim to be a member of a protected class. *See City of Cleburne, Tex. v. Cleburne Living Ctr.*, 473 U.S. 432, 440 (1985). Corey and Misty have not done so here. Thus, they must make their case using the second method: showing that they have "been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment." *See Village of Wilowbrook v. Olech*, 528 U.S. 562, 564 (2000).

Here, it is plain that Corey and Misty cannot show that they were intentionally treated differently from others in a similar situation. In fact, they received exactly the same treatment as others who behaved similarly, like Robert Boitano. (*See* SUF ¶ 71.) In their Opposition, Corey and Misty make the vague claim that they "have been subjected to restrictions and sanctions to which other similarly situated parents, whose students attend school in school districts that actually comply with the law, are not subjected." (Opp'n 18, ECF No. 61.) However, Corey and Misty reference no facts whatsoever to support this argument. Thus, their Equal Protection claim must fail.

iii. Procedural Due Process Violation

Finally, Corey and Misty allege that Defendants violated their right to protection under the Due Process Clause, which prohibits the government from depriving individuals of their "life, liberty, or property, without due process of law." U.S. Const. amend. XIV, § 1.

The problem for Corey and Misty is that they do not have a constitutionally protected right to access the Jefferson Elementary campus. The Supreme Court has held that school administrators have the right to immediately remove from school

property individuals who pose a threat of an ongoing disruption to the academic process. *See Goss v. Lopez*, 419 U.S. 565, 582–83 (1975). Reading the Constitution to grant individuals an unfettered liberty interest in access to sensitive places like an elementary school campus would leave school administrators powerless to protect the students therein. *See Carey v. Brown*, 447 U.S. 455, 470–71 (1980).

Further, Corey and Misty complain that the school did not follow due process standards in imposing limitations on their ability to access campus, but they fail to explain what such due process mechanisms might look like. And, in fact, Corey and Misty were given warnings before the school issued the disruptive parent letters, and both parents' restrictions on accessing campus were ultimately lifted after further meetings with school administrators. Thus, it is unclear what additional procedural protections Corey and Misty would have liked to have been afforded but were denied.

Overall, Corey and Misty focus on the school's lack of authority for restricting their access to campus, but the real issue is Corey and Misty's lack of a constitutionally-protected right to such access to begin with. Therefore, the Court **GRANTS** Defendants' motion for summary judgment as to the Camfields' § 1983 claim, as they cannot show that they were deprived of any constitutional right.

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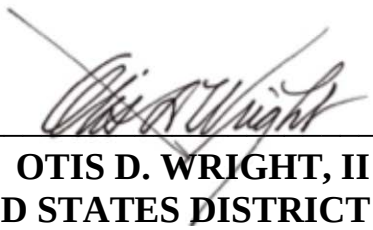
V. CONCLUSION

For the reasons discussed above, the Court **GRANTS** Defendants' motion for summary judgment in its entirety. (ECF Nos. 55, 56.) The clerk of court shall close the case, and a Judgment will issue.

IT IS SO ORDERED.

July 17, 2017



OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE