



Washington School Law Update

A brief summary of legal developments relevant to Washington public school districts from the previous calendar month.

Ninth Circuit Court of Appeals

First Amendment

DeFrancesco v. Robbins
No. 23-16147 (5/7/25)

The Ninth Circuit Court of Appeals held that a group of public employees had qualified immunity because at the time of their actions, it was not clearly established that retaliating against a public employee for their relative's speech was prohibited under the First Amendment. Anthony DeFrancesco and his husband were senior administrators at the University of Arizona. The husband opposed the hiring of the University Health Sciences division's new senior vice president and voluntarily left the University when the new senior vice president was hired. DeFrancesco alleged he was then harassed and terminated by the new senior vice president and the University president in retaliation for his husband's opposing speech. DeFrancesco sued both individuals, alleging that they infringed upon his First Amendment right to be free from retaliation for his husband's allegedly protected speech. The district court dismissed, concluding that the employees were entitled to qualified immunity. The Court of Appeals affirmed, holding that at the time

of DeFrancesco's termination, there was no clearly established constitutional right under U.S. Supreme Court or Ninth Circuit case law protecting public employees from retaliation by public officials for the protected speech of the employee's relative. The Court declined to address the underlying constitutional question of whether public employees are indeed protected by the First Amendment against retaliation based on a close family member's speech. In a concurring opinion, Judge Berzon agreed with the majority that there was no clearly established constitutional right at the time of the defendants' actions, but argued that the Court should have used this opportunity to hold that the First Amendment protects public employees from retaliation for a family member's speech.

Washington Court of Appeals

Washington Law Against Discrimination

Riley v. City of Tacoma
No. 58295-3-II (5/20/25) (unpublished)

The Washington Court of Appeals affirmed dismissal of an employee's disability discrimination lawsuit because he failed to cooperate with his employer during the interactive process for evaluating his need for accommodation. Liam Riley was an employee with the City of Tacoma. He experienced conflicts with coworkers which increased his symptoms of anxiety,

and he had to be taken to the hospital multiple times for high blood pressure. Riley requested accommodations and as part of the interactive process, the City made at least six written requests for medical questionnaires. Riley submitted some questionnaires, but they were incomplete. Riley then withdrew from the interactive process for several weeks, and never provided updated questionnaires over the next year and a half, despite multiple clear requests from the City. Riley sued the City, alleging that it failed to accommodate his disability. After a trial, the trial court granted the City's motion for judgment as a matter of law on the grounds that Riley failed to adequately cooperate in the interactive process. On appeal, the Court held that despite several clear requests from the City, Riley failed to provide requested medical documentation addressing the nexus between his disability and his ability to perform the essential functions of his job. Because employees have a duty to cooperate with employers throughout the interactive process, and Riley failed to do so, the Court affirmed the dismissal of Riley's failure-to-accommodate claim.

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