

The Third Circuit Court Of Appeals Denies Teacher Qualified Immunity Under The “State-Created Danger” Theory Where The Teacher Released A Kindergarten Student To An Unidentified Adult

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L.R. v. School Dist. of Philadelphia et. al. No. 14-4640 (3rd. Cir. Sept. 6, 2016). The Third Circuit Court of Appeals affirmed an Order from the U.S. District Court for the Eastern District of Pennsylvania denying Defendants’ motion to dismiss a Section 1983 claim alleging a violation of a minor student’s Fourteenth Amendment rights, holding that a teacher who released a kindergarten student to an unidentified adult was not protected by qualified immunity under the “state-created danger” theory.

SUMMARY AND FACTUAL BACKGROUND

A five-year old girl (“Jane”), was a kindergarten student in Reginald Littlejohn’s class at W.C. Bryant Elementary School in Philadelphia, Pennsylvania (the “School”). In January 2013, Christina Reguster (“Reguster”) entered the School, proceeded to Jane’s classroom and asked Mr. Littlejohn to take Jane from the classroom.

In accordance with School policy, Mr. Littlejohn (“Littlejohn”), asked Reguster to show him identification and verification that Jane had permission to leave the School. Reguster failed to do so. Despite this failure, Littlejohn allowed Jane to leave his classroom with Reguster. Later that day, Reguster sexually assaulted Jane off school premises, causing her significant physical and emotional injuries.

Jane’s mother filed a complaint under 42 U.S.C. § 1983 against the Defendants alleging that Littlejohn deprived Jane of her Fourteenth Amendment substantive due process rights by releasing Jane to an unidentified adult; thus creating a danger that resulted in Jane’s physical and emotional harm. The Defendants filed a motion to dismiss arguing the complaint did not allege a constitutional violation and, if it did, Littlejohn was entitled to qualified immunity.

The District Court denied Defendants’ motion to dismiss explaining that “ordinary common sense and experience dictate that there is an inherent risk of harm in releasing a five-year old to an adult stranger who had failed to produce identification and authorization for release despite being asked to do so.” The Defendants appealed the District Court’s Order to the Third Circuit Court of Appeals.

DISCUSSION

The primary purpose of qualified immunity is to shield school officials from undue interference with their duties and from potentially disabling threats of liability. However, qualified immunity can be lost when public officials violate clearly established constitutional rights of which a reasonable person would have been aware. To decide whether a school employee is protected by qualified immunity, a Court must decide whether: 1) the plaintiff sufficiently alleged a violation of a constitutional right, and 2) the right was clearly established at the time of the official conduct.

The threshold question in any §1983 lawsuit is whether the plaintiff has sufficiently alleged a violation of a constitutional right. The due process clause of the Fourteenth Amendment does not require the state to protect the life, liberty and property of its citizens against invasion by private actors. However, the so-called “state created danger” exception to this rule applies when a state actor uses its authority to create a danger for its citizens.

There are four elements to a state-created danger claim: (1) the harm caused was foreseeable and fairly direct; (2) a state actor acted with a degree of culpability that shocks the conscience; (3) a relationship between the state and the plaintiff existed such that the plaintiff was a member of a discrete class of persons subjected to the potential harm brought about by the state’s actions; and (4) a state actor affirmatively used its authority in a way that created a danger to the citizen or that rendered the citizen more vulnerable to danger than had the state not acted at all.

The Court concluded that the complaint satisfied all four elements. First, the risk that Jane would be harmed by releasing her to a complete stranger was obvious and the harm that occurred was directly caused by Littlejohn’s action. Second, Littlejohn was deliberately indifferent because he consciously disregarded a substantial risk of serious harm that was so obvious that it should have been known. Third, Jane was a foreseeable victim because she was a member of the discrete class of kindergarten children for whose benefit the School’s release policy had been instituted. Fourth, Littlejohn affirmatively misused his authority in a way that created a danger to Jane when he permitted her to leave with Reguster. If Littlejohn had not acted at all, she would have remained safe in her classroom.

Having determined that the complaint sufficiently alleged a violation of Jane’s substantive due process rights, the Court then considered whether Jane’s right (i.e., the right to not be removed from a safe environment and placed into one in which it is clear that harm is likely to occur) was clearly established when the incident occurred. The Court concluded that the status of the law in 2013 was sufficiently clear to place Littlejohn on notice that permitting a kindergarten student to leave his classroom with an unidentified adult could lead to a deprivation of that student’s substantive due process rights. Accordingly, the Third Circuit Court of Appeals affirmed the District Court’s Order that Littlejohn was not entitled to qualified immunity.

PRACTICAL ADVICE

School employees and officials must not use their positions of authority to either create a dangerous environment for students or expose students to obvious harm. As this case illustrates, when a teacher’s actions (or inactions) expose a student to a danger that he (or she) would not have otherwise encountered, the teacher may be liable under the state-created danger theory. This is especially true when the teacher is caring for young children who are vulnerable and the teacher’s actions (or inactions) have a likelihood of creating danger for their students. As the Court noted, “[e]xposing a young child to obvious danger is the quintessential example of when qualified immunity should not shield a public official from a suit.”

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