

SUPREME COURT OF MONTANA

Griffith v. Butte School District No. 1

2010 MT 246 (Mont. 2010) · No. DA 10-0109 · Decided November 19, 2010

SUMMARY

The Supreme Court of Montana reversed summary judgment for Butte School District No. 1 and related defendants in a case involving a student's exclusion from a valedictory speech because it included references to God and Christ. The court held that the Montana Human Rights Act's exclusivity provision did not bar Griffith's constitutional claims after the Human Rights Bureau dismissed her administrative complaint and authorized suit in district court. It further held that the school district violated Griffith's First Amendment right to freedom of speech, but did not violate her federal or state constitutional right to freedom of religion.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice Patricia O. Cotter; Chief Justice Mike McGrath; Justice Michael E. Wheat; Justice James C. Nelson; Justice Brian Morris; Justice Jim Rice; Justice W. William Leaphart
JURISDICTION	Montana
DECIDED	November 19, 2010
DOCKET	DA 10-0109
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order granting cross-motions for summary judgment in favor of the school district and individual defendants. The Montana Supreme Court reviewed the judgment de novo.
STANDARD OF REVIEW	Summary judgment is reviewed de novo under M. R. Civ. P. 56. When material facts are undisputed, conclusions of law are reviewed for correctness.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Renee Griffith v. Butte School District No. 1, Charles Uggetti, John Metz

TOPICS

free speech

first amendment

establishment clause

statutory interpretation

summary judgment

PRACTICE AREAS

constitutional law

civil rights

education law

free speech

religious liberty

statutory interpretation

civil procedure

QUESTIONS PRESENTED

1. Whether the 2007 amendments to the Montana Human Rights Act permitted Griffith to bring her claims in district court after the Human Rights Bureau dismissed her administrative complaint.
2. Whether the school district's refusal to permit Griffith to deliver a valedictory speech containing personal religious references violated her First Amendment right to free speech.
3. Whether the school district's refusal to permit the religious references violated Griffith's rights to freedom of religion under the First Amendment or Article II, Section 5 of the Montana Constitution.
4. Whether the action became moot because Griffith had graduated and sought no monetary damages.
5. Whether the individually named school officials were immune from individual liability under Montana law.

HOLDINGS

1. The 2007 amendments to the Montana Human Rights Act permitted Griffith to commence a civil action in district court within ninety days after receiving the Human Rights Bureau's notice of dismissal. Her claims were therefore not barred by the MHRA's exclusivity provision.
2. The claim was not moot because Griffith's complaint sought nominal damages for violation of her constitutional rights.
3. The School District violated Griffith's First Amendment right to free speech by imposing an impermissible, viewpoint-based limitation on the content of her valedictory speech.
4. The School District did not violate Griffith's rights to freedom of religion under the First Amendment or Article II, Section 5 of the Montana Constitution.
5. Because the School District violated Griffith's federal constitutional right to free speech while acting under color of state law, Griffith was entitled to seek relief under 42 U.S.C. § 1983.
6. Uggetti and Metz were immune from individual liability for actions performed within the course and scope of their official employment and were to be dismissed as individual defendants.

KEY QUOTATIONS

"School officials may not impose viewpoint-based limitations on student speech in the school setting unless (1) school officials reasonably conclude the speech will "materially and substantially disrupt the work and discipline of the school," Tinker, 393 U.S. at 513, 89 S.Ct. at 740; (2) the student's expression in a school-sponsored activity may reasonably be "perceive[d] to bear the imprimatur of the school," Hazelwood, 484

U.S. at 271, 108 S.Ct. at 570; or (3) the expression can be "reasonably viewed as promoting illegal drug use." Morse, 551 U.S. at 409, 127 S.Ct. at 2629." (244 P.3d 333, ¶ 49)

"We hold that the School District violated Griffith's right to freedom of speech under the First Amendment of the United States Constitution when it impermissibly censored the content of her valedictory speech based on the viewpoint she expressed." (244 P.3d 334, ¶ 57)

FACTUAL BACKGROUND

Renee Griffith was a valedictorian at Butte High School and was invited to speak at the May 29, 2008 graduation ceremony. Her proposed speech included personal references to God, Christ, faith, and religious motivations for her accomplishments. Although School District Policy No. 2333 stated that student presentations would not be censored and permitted religious expression, school officials required Griffith to remove the religious references or not speak. Griffith refused, and she was barred from delivering her speech.

PROCEDURAL HISTORY

Griffith filed a discrimination complaint with the Montana Human Rights Bureau, which issued a notice of dismissal and notice of her right to file a civil action. She timely filed suit in the Thirteenth Judicial District Court, Yellowstone County, alleging violations of the Montana Human Rights Act and state and federal constitutional rights. The District Court granted summary judgment for defendants, concluding that the MHRA barred the constitutional claims and that prohibiting Griffith's religious references did not violate the First Amendment or Montana law. The Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Enter summary judgment in Griffith's favor consistent with the opinion; determine the amount of damages available under 42 U.S.C. § 1983; determine whether Griffith is entitled to attorney fees under 42 U.S.C. § 1988(b) and, if so, conduct a hearing to determine the amount; and dismiss Uggetti and Metz as individual defendants under Mont. Code Ann. § 2-9-305(5).

CASES CITED

- PPL Montana, LLC v. State, 2010 MT 64, ¶ 84, 355 Mont. 402, 229 P.3d 421
- Edwards v. Cascade County Sheriff's Department, 2009 MT 451, ¶ 38, 354 Mont. 307, 223 P.3d 893
- In the Matter of the Mental Health of D.V., 2007 MT 351, ¶ 30, 340 Mont. 319, 174 P.3d 503
- Havre Daily News, LLC v. City of Havre, 2006 MT 215, ¶ 31, 333 Mont. 331, 142 P.3d 864
- Jacobs v. Clark County School District, 526 F.3d 419, 425-26 (9th Cir. 2008)
- Bernhardt v. County of Los Angeles, 279 F.3d 862, 872 (9th Cir. 2002)
- Cummings v. Connell, 402 F.3d 936, 944 (9th Cir. 2005)
- Schneider v. County of San Diego, 285 F.3d 784, 794-95 (9th Cir. 2002)

- *Carey v. Piphus*, 435 U.S. 247, 266 (1978)
- *Boettcher v. Montana Guaranty Fund*, 2007 MT 69, ¶ 14, 336 Mont. 393, 154 P.3d 629
- *Anderson v. Werner Enterprises, Inc.*, 1998 MT 333, ¶ 28, 292 Mont. 284, 972 P.2d 806
- *Saucier v. McDonald's Restaurants of Montana, Inc.*, 2008 MT 63, 342 Mont. 29, 179 P.3d 481
- *Vettel-Becker v. Deaconess Medical Center of Billings, Inc.*, 2008 MT 51, 341 Mont. 435, 177 P.3d 1034
- *Edwards v. Cascade County Sheriff's Department*, 2009 MT 451, 354 Mont. 307, 223 P.3d 893
- *Harrison v. Chance*, 244 Mont. 215, 797 P.2d 200 (1990)
- *Miller v. Eighteenth Judicial District Court*, 2007 MT 149, ¶ 38, 337 Mont. 488, 162 P.3d 121
- *Clark Fork Coalition v. Montana Department of Environmental Quality*, 2008 MT 407, ¶ 20, 347 Mont. 197, 197 P.3d 482
- *In re Marriage of McMahon*, 2002 MT 198, ¶ 6, 311 Mont. 175, 53 P.3d 1266
- *Johansen v. Department of Natural Resources & Conservation*, 1998 MT 51, ¶ 24, 288 Mont. 39, 955 P.2d 653
- *State v. Gomez*, 2007 MT 111, ¶ 33, 337 Mont. 219, 158 P.3d 442
- *Denke v. Shoemaker*, 2008 MT 418, ¶ 47, 347 Mont. 322, 198 P.3d 284
- *Rosenberger v. Rector & Visitors of the University of Virginia*, 515 U.S. 819, 828-30 (1995)
- *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 506, 513 (1969)
- *Morse v. Frederick*, 551 U.S. 393, 409, 417-18 (2007)
- *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260, 266, 271 (1988)
- *Cole v. Oroville Union High School District*, 228 F.3d 1092 (9th Cir. 2000)
- *Lee v. Weisman*, 505 U.S. 577, 587-90 (1992)
- *Doe v. Santa Fe Independent School District*, 168 F.3d 806, 817-18 (5th Cir. 1999)
- *Jones v. Montana University System*, 2007 MT 82, ¶ 32, 337 Mont. 1, 155 P.3d 1247
- *Brown v. MacDonald*, 2007 MT 197, ¶ 12, 338 Mont. 390, 165 P.3d 1125
- *Albright v. Oliver*, 510 U.S. 266, 271 (1994)
- *Kiely Construction, LLC v. City of Red Lodge*, 2002 MT 241, ¶¶ 88-89, 312 Mont. 52, 57 P.3d 836
- *Germann v. Stephens*, 2006 MT 130, ¶ 55, 332 Mont. 303, 137 P.3d 545
- *Valley Christian School v. Montana High School Association*, 2004 MT 41, ¶¶ 7-8, 320 Mont. 81, 86 P.3d 554
- *Wisconsin v. Yoder*, 406 U.S. 205, 220 (1972)
- *State ex rel. Bartmess v. Board of Trustees*, 223 Mont. 269, 275, 726 P.2d 801, 804 (1986)
- *Farrar v. Hobby*, 506 U.S. 103, 111-13 (1992)

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