



NORTH
COASTER
NEW ISSUE

POINT REYES LIGHT

Nagle sues Shoreline for retaliation

By Anna Guth
05/23/2019

The former principal of West Marin and Inverness Schools sued Shoreline Unified School District and its superintendent, Bob Raines, this month, alleging retaliation, defamation and violations of his constitutional right to free speech.

Matt Nagle, whom the school board demoted from his six-year post as principal to a kindergarten, first- and second-grade teaching position at Bodega Bay School last summer, claims the district took retaliatory action for his bid last spring against longtime incumbent Mary Jane Burke for her position as county superintendent of schools.

The suit argues that Mr. Nagle should be reinstated to his position as principal and that he is eligible for compensation—including backpay for the \$50,000 salary cut he suffered this year as well as an unspecified amount for compensatory and punitive damages.

The San Rafael-based firm, Jaret & Jaret, filed his suit in Marin County Superior Court on May 10. The lawsuit is informed by two separate California Public Records Act requests—one filed by the lawyers and the other by Mr. Nagle's daughter, Anais Nagle, a college freshman who served as his campaign manager last year.

Citing multiple California laws, including labor codes and the Ralph M. Brown Act, Mr. Nagle argues his case largely with evidence from emails between district employees released from the public records requests and from the stories printed in local newspapers, including the Light.

Retaliation and defamation

The lawsuit first concedes that during Mr. Nagle's campaign, he made public comments that criticized Ms. Burke, who was re-elected for her seventh four-year term last year as county superintendent of schools with 79 percent of the vote. In this newspaper, amid a campaign that rested on a platform of closing the achievement gap for Mexican-American students, he compared her to Fidel Castro.

But it was Mr. Nagle's very decision to run that caused retaliation, the suit argues: "Mr. Raines and members of Shoreline and its Board of Trustees were embarrassed and fearful that Ms. Burke, who controlled Shoreline's purse strings, would be angered."

The lawsuit points to an email sent on March 2, the day after the Light ran a story announcing Mr. Nagle's campaign, from Mr. Raines to then-board member Jim Lino. The email included, "stating that Mary Jane Burke is rolling her eyes." Mr. Raines is quoted as writing, "There are a lot of folks asking wtf..."

In a subsequent email to the entire board, the lawsuit quotes Mr. Raines: "I didn't want [Ms. Burke] to think that we were, in any way, aware of what Matt was thinking. I was asked a month or so ago if I'd be on the list of folks endorsing her for reelection, which was a no-brainer. I don't plan on changing anything."

On March 7, Mr. Raines sent an email to Mr. Nagle stating there would be an evaluation meeting of his position before March 15, the state deadline to inform a certificated employee of a possible demotion.

On March 12, Mr. Raines gave Mr. Nagle a preliminary administrative evaluation that, according to the suit, accused him of “arrogance,” “disrespect for portions of the community,” “increased failure to assume leadership,” and “increased failure to participate as a member of the district team.” The evaluation also warned of reassignment “should he not observe changes in behaviors above.”

The lawsuit cites numerous examples of the way that Mr. Raines and other board members characterized Mr. Nagle publicly and in private during this period, claiming they were defamatory slights.

Mr. Raines told the Light this week he could not comment on ongoing litigation.

Last March, with news of the conflict riling the community, Jill Manning-Sartori, the board president, wrote a letter in this newspaper that discounted that Mr. Nagle’s performance evaluation was linked to his decision to campaign. Preliminary layoff notices were often rescinded, she argued in her March 20, 2018 letter, and par for the course considering that principal contracts are renewed every year.

The school community, however, was angry, and many came to Mr. Nagle’s defense. In late April, parents petitioned, delivering a vote of no confidence in Mr. Raines and the school board.

Nevertheless, after school was out in June, the board decided to reassign Mr. Nagle to the Bodega Bay teaching position.

Since then, Shoreline has seen a musical chairs of principals at West Marin and Inverness Schools, with one who took a medical leave partway through the year and another who left after the Light published an article about a lawsuit from his past in which he was accused of sexual harassment.

Last month, the district hired Beth Nolan, who has been serving as the interim principal for West Marin and Inverness Schools since late January, to the permanent post.

Twelve types of claims

The lawsuit makes a total of 12 causes of action.

Notably, the suit asserts that the decision to demote Mr. Nagle is null and void by procedural error, and therefore that he should be reinstated.

“As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee must be given written notice of their rights to have the complaints or charges heard in an open session rather than a closed session,” California law, government code 54957 or Ralph M. Brown Act, states. Mr. Nagle argues he did not receive this notice.

The lawsuit also argues that the board and superintendent’s retaliation was an infringement upon Mr. Nagle’s right to freedom of speech under the state constitution. “Defendants and their agents and representatives who were politically and personally subservient to Mary Jane Burke retaliated against Mr. Nagle for asserting his rights under the California Constitution.”

Additionally, citing the “right to be free from violence” afforded by the state’s Ralph Civil Rights Act of 1979, the suit makes a claim against board member Tim Kehoe. At an April 16 board meeting, the suit alleges that Mr. Kehoe “angrily lurched towards Mr. Nagle as if he was going to batter him and yelled in a loud voice: ‘You’re an ass!’ Mr. Kehoe’s face was beet red and Mr. Nagle was fearful of the impending violence.”

Concerning two causes related to defamation—defamation per quod and defamation per se—the lawsuit states: “As a proximate result of the publication and republication of these defamatory statements by defendants, [Mr. Nagle] has suffered injury to his personal, business and professional reputation including suffering embarrassment, humiliation, emotional distress, shunning, anguish, fear, loss of employment, and employability, and significant economic loss in the form of lost wages and future earnings, all to [his] economic, emotional and general damage in an amount according to proof.”

Six claims cite violations of state labor codes, largely pertaining to retaliation.

Mr. Nagle primarily is asking for reinstatement, backpay and forward pay, relief from his attorney fees, as well as compensatory and punitive compensation—an amount that would be at the discretion of the court.

But his suit is also seeking for a judge to grant him a hefty list of injunctions, including “restraining the defendants from continuing or maintaining any policy, practice, custom or usage which is retaliatory in nature.” He asks for the district to conduct training of all employees to “sensitize” them to the harmful nature of retaliation.

A case management hearing is set for Sept. 27.