

COURT REPORT

April 2026



Eleventh Circuit Court of Appeals

Discrimination & Retaliation

***Elnoria Howell v. Baldwin County Board of Education*, 2026 WL 1045739 (11th Cir. Apr. 17, 2026)**

This case involves a black employee who worked at the school system's central office and alleged she endured race discrimination and retaliation in the workplace. The employee began working with the school system as a receptionist and was promoted several times, eventually filling a secretarial role supervised by the director of human resources. Issues arose when the employee complained internally to the system's superintendent about her director's assignments, requesting a workload reduction. Around the same time, the HR director reassigned filing responsibilities to the plaintiff employee as part of departmental restructuring after staff turnover and to accommodate another injured departmental employee. The employee objected to the new duties and rejected alternative options offered by the HR director. The superintendent ultimately recommended the employee be transferred to a secretary position within the transportation department and the board approved the transfer. The employee was informed of the transfer, and her previous position in the HR department was filled by a white female. The employee filed suit, asserting race-based discrimination claims under Title VII, including hostile work environment, demotion/failure to promote, disparate treatment and retaliation and § 1983 claims for retaliation, in violation of the First Amendment and for failure to supervise and train, in violation of the Fourteenth Amendment. The trial court awarded summary judgment to the school system and its officials, and the employee appealed.

On review, the Eleventh Circuit agreed with the trial court's ruling. First, it addressed the employee's assertions under § 1983, finding that her claims were barred by the two-year statute of limitations in Alabama and that she failed to allege any facts that occurred within the two years preceding the filing date of her original complaint. The employee attempted to invoke the continuing violation doctrine, but the Court deemed the issue abandoned since she did not raise it in her initial brief on appeal. The Court also discussed the employee's four Title VII claims against the board — disparate treatment, demotion, hostile work environment, and retaliation.

On the disparate treatment claim, the Court found the employee could not identify sufficiently similar white comparators who were treated more favorably by the HR Director, who was her supervisor. The record indicated otherwise, showing she had been promoted over white candidates, received pay increases, and had her workload accommodated several times. The Court also concluded the employee could not present a convincing mosaic of circumstantial evidence to infer intentional discrimination. The record indicated her supervisor reallocated specific tasks for all employees within the HR department.

As to the demotion claim, the employee argued her transfer from the HR Department to the Transportation Department, even without a loss in pay, was tantamount to a constructive demotion. But the Court disagreed and held the employee did not show that the board's stated reasons for her transfer — resolving staffing needs in the HR department and responding to her repeated rejection of alternative assignments — were pretextual or that racial discrimination was the true reason.

On the hostile work environment claim, the Court ruled the employee did not demonstrate the alleged conduct by the HR director was race-based, given that she admitted no racial slurs or racially motivated language were ever directed at her. The employee claimed that she was given extra duties, repeatedly counseled, watched and scrutinized by her supervisor. The Court added this alleged conduct was insufficient to be legally severe and pervasive enough to support her claim of a racially hostile work environment.

Lastly, on the retaliation claim, the Court found that most of the alleged adverse conduct the employee identified actually occurred before she engaged in the protected activity of filing formal discrimination complaints. The Court highlighted how the employee neither established that the relevant decision makers were aware of her protected activity nor did she show that her protected conduct was a but-for cause of any adverse action. Moreover, the record supported the defendants' reasons for the employee's transfer – to resolve her workload complaints and to find a long-term solution for staffing in the HR department. For these reasons, the Eleventh Circuit affirmed the trial court's ruling of summary judgment in favor of the school board, its superintendent and HR director.

Attorney General's Opinion

School Bus Safety – Contracts

A.G. Op. 2026-024 (April 16, 2026)

This opinion addressed whether a local school board must terminate a school bus camera system contract if the participating law enforcement agency withdraws from the program. The Alabama School Bus Safety Act provides two frameworks for a local school board's usage of automated camera devices to detect school bus violations; (1) a board operates the program itself using a trained technician without law enforcement involvement; or (2) a board contracts with a private contractor, but only with ongoing involvement and cooperation of local law enforcement. Ala. Code § 16-27A-3. The opinion stated that law enforcement participation is both a condition precedent and an ongoing requirement for a program operated with a private contractor. The opinion further clarified that if law enforcement withdraws, the board loses statutory authority to maintain a contractor-based program.

However, the opinion emphasized that withdrawal of law enforcement does not automatically void the existing contract, nor does it require termination unless the contract's terms specify otherwise. The opinion noted whether the contract is terminated will depend on its specific language and other factual determinations. The opinion concluded that boards may still operate a school bus camera program without law enforcement involvement, but only by restructuring the program under a different statutory option and not by continuing the existing contract agreement. The Attorney General's Office declined to discuss broader constitutional and ethical questions, noting that those issues fall outside the Attorney General's advisory authority.

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