

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION**

GREGORY ROBERSON,

*Plaintiff,*

v.

BACON COUNTY SCHOOL DISTRICT; Superintendent TRACI MARTIN in her individual and official capacities; Bacon County Board of Education Chair LISA HUGHES in her individual and official capacities; and Bacon County Board of Education Members LATRELL TURNER, MATTHEW PARKER, TYLER BEACH, STEPHANIE WRIGHT, and LANE LEE in their individual and official capacities,

*Defendants.*

Civil Action No.:  
5:25-cv-00125-LGW-BWC

**JURY TRIAL DEMANDED**

**AMENDED COMPLAINT<sup>1</sup>**

Plaintiff GREGORY ROBERSON (“Plaintiff” or “Roberson”) brings this action for damages and for declaratory and injunctive relief against Defendants BACON COUNTY SCHOOL DISTRICT; Superintendent TRACI MARTIN; Board of Education Chair LISA HUGHES; and Board of Education Members LATRELL TURNER, MATHEW PARKER, TYLER BEACH, STEPHANIE WRIGHT, and LANE LEE, individually and in their official capacities (collectively, “Defendants”). In support thereof, ROBERSON offers the following:

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<sup>1</sup> This Amended Complaint is identical to the original Complaint (Doc. 1) but includes Exhibits A-C.

## INTRODUCTION

1. The Georgia legislature has decreed that county boards of education must provide an opportunity for the public to address the board during regular meetings. O.C.G.A. § 20-2-58 (“The local board of education shall provide a public comment period during such regular monthly meetings.”).

2. O.C.G.A. § 20-2-58(a) prohibits county boards of education from requiring “notice by an individual *more than 24 hours prior* to the meeting as a condition of addressing the local board during such public comment period.” (emphasis added).

3. The BACON COUNTY SCHOOL DISTRICT’s Board of Education (the “Board”) has enacted a policy requiring members of the public to give more than mere notice of their intent to speak. They must instead request permission to speak *at least 24 hours prior to* a regularly scheduled Board meeting.

4. The Board’s policy also requires a public comment speaker to go through a multi-step “Chain of Command” process that contains no time-limits for decisions by the multiple layers of employees before which the speaker must first seek “resolution.” “Only those who have followed the Chain of Command Procedure” are even allowed to request permission to speak before the Board.

5. Under the Chain of Command, the Board requires members of the public to (1) schedule and meet with multiple levels of BACON COUNTY SCHOOL DISTRICT (“BCSD”) employees, (2) seek resolution of their issue with each employee, and (3) obtain a determination for each consecutive school employee before filing a request to address the Board during public comment.

6. The Board has further enacted a policy prohibiting members of the public from discussing individual employees, students, or pending litigation during public comment at Board meetings.

7. Finally, the Board has enacted a policy that empowers the BOARD CHAIR to “terminate a speaker’s presentation” for “disruptive or otherwise unacceptable behavior, including, but not limited to abusive, profane, or vulgar language; threatening behavior or words; personal attacks on Board members, school district employees, or other citizens; intimidation; [or] taunting” and the speaker may be removed from the meeting.

8. Bacon County resident GREGORY ROBERSON brings a challenge to the BCSD Board of Education’s foregoing overly restrictive public comment policies, which limit his right to address the Board on relevant matters of public concern and grant the Board unfettered discretion to approve, deny, or terminate public comment based on the speaker’s content and viewpoint.

9. Mr. ROBERSON brings this action to remedy these violations.

### **JURISDICTION & VENUE**

10. This action arises under the First Amendment to the United States Constitution, 42 U.S.C. § 1983, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02.

11. This Court has jurisdiction over the federal claims under 28 U.S.C. §§ 1331 and 1343. This Court has jurisdiction over supplemental state claims under 28 U.S.C. § 1367.

12. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) and Local Rule 2.1(a) because the events alleged herein occurred in Bacon County, which is located in the Waycross Division of the Southern District of Georgia.

## **PARTIES**

13. Plaintiff GREGORY ROBERSON is a resident of Bacon County, Georgia. He is an engaged member of the community and is interested in the well-being of the students and the employees of the BACON COUNTY SCHOOL DISTRICT. He believes in fair, transparent, and participatory governance of the Bacon County schools. Mr. ROBERSON often voices or seeks to voice his thoughts and concerns during public comment at BACON COUNTY SCHOOL DISTRICT's Board of Education meetings.

14. Defendant BACON COUNTY SCHOOL DISTRICT is a school district created under O.C.G.A. § 20-2-49. BCSD is governed by the Bacon County Board of Education. The Board is composed of six elected officials; the members of the Board as of the filing of this Complaint are LISA HUGHES, LATRELL TURNER, MATTHEW PARKER, TYLER BEACH, STEPHANIE WRIGHT, and LANE LEE. BCSD is sued for damages and equitable relief for its unconstitutional policies restricting public comment at Board meetings.

15. Defendant TRACI MARTIN is the Superintendent of the Bacon County School District appointed by the BACON COUNTY SCHOOL DISTRICT's Board of Education. As the Superintendent, Ms. MARTIN is responsible for all BCSD operations including the adoption and implementation of BCSD policies and procedures. She is being sued individually for damages and in her official capacity for equitable relief.

16. Defendant LISA HUGHES serves as the Board Chair. Ms. HUGHES presides over all meetings of the Board, signs official documents of the Board, and performs other duties as required by state and local law. She is being sued individually for damages and in her official capacity for equitable relief.

17. Defendants LATRELL TURNER, MATTHEW PARKER, TYLER BEACH, STEPHANIE WRIGHT, and LANE LEE are all Bacon County Board of Education members who are responsible for adopting and enforcing the Board’s policies. They are being sued individually for damages and in their official capacity for equitable relief.

### **FACTUAL BACKGROUND**

18. The BCSD Board of Education holds regular monthly meetings. During these meetings, the Board sets aside time for public comment. The Board regulates public comment via several policies and forms titled, respectively: Code of Conduct for Public Comments at Public Meetings of the Bacon County Board of Education (“Code of Conduct”), Bacon County School District Chain of Command Procedure Form (“Chain of Command Form”), and Bacon County School Board Public Participation Request Form (“Public Participation Request Form”). These policies and forms are collectively referred to hereinafter as “Public Participation Policies.”

19. Mr. ROBERSON has contacted Defendants about the unconstitutionality of these Public Participation Policies. Defendant Superintendent MARTIN responded, including on September 3, 2024, that the Board’s policies are in accordance with Georgia law and that Defendant BCSD would not be revising them.

#### ***Code of Conduct***

20. An accurate copy of the Code of Conduct is attached as Exhibit A.

21. The stated purpose of the Code of Conduct is to “provide a professional and courteous forum for citizens to bring concerns and issues before the [Board].”

22. The Code of Conduct is read aloud at every Board meeting where there will be public comment. This is done immediately before anyone is allowed to speak and in the presence of the law enforcement officer positioned next to the Board members' platform.

23. The Code of Conduct limits public comment to "residents of the School District, representatives of businesses or organizations located in the District, parents or guardians of students attending the schools of the District, or school system employees" (collectively hereinafter, "School District Constituents").

24. The Code of Conduct restricts the topics that School District Constituents may discuss during public comment. For example, it states that "[i]ssues involving individual employees or individual students and pending litigation are not subjects for public participation." These restrictions are not reasonable given that the purpose of the public comment forum is for School District Constituents "to bring concerns and issues before the . . . Board," many of which may legitimately relate to individual BCSD students, employees, or legal actions publicly filed either by or against BCSD.

25. The Code of Conduct grants the Board Chair, who is currently Defendant HUGHES, authority to cut off a School District Constituent's public comment "for disruptive and otherwise unacceptable behavior, including, but not limited to abusive, profane, or vulgar language; threatening behavior or words; personal attacks on Board members, school district employees, or other citizens; intimidation; or taunting" and the speaker may be removed from the meeting.

26. The terms "abusive," "profane," "vulgar," "threatening," "personal attacks," "intimidation," "taunting," and "disruptive and otherwise unacceptable behavior" are not defined by the BCSD Board of Education within its Public Participation Policies or elsewhere, which

means their interpretation and application is left to the unfettered discretion of the Board Chair, who is currently Defendant HUGHES, in deciding whether to terminate a speaker's comment. This unchecked discretion permits the Board Chair to apply these undefined terms in a viewpoint-based manner to interrupt and stop negative, critical, or other comments that the Board Chair disagrees with or dislikes.

27. In addition, the Code of Conduct states that “only those individuals who have followed the Chain of Command Procedure and submitted a completed Public Participation Request Form to the Superintendent’s Office *no later than 24 hours in advance of the regularly scheduled Board meeting* will be allowed to speak” (emphasis added).

28. The Chain of Command Procedure is problematic for reasons discussed in the next section below.

29. The requirement that a Public Participation Request be submitted “no later than 24 hours in advance” of the meeting where the School District Constituent wishes to speak often operates to preclude public comment on meeting agenda items. This is because (1) agendas for regularly scheduled Board meetings are usually not made available until *less than 24 hours* before the meeting, and (2) because the “Chain of Command” multi-step process must be completed before even submitting a request to speak. By the time School District Constituents know what is on the meeting agenda, the required timeframe for requesting to speak at the meeting has passed.

30. The Code of Conduct’s “no later than 24 hours in advance” requirement for requesting to speak at public comment also conflicts with O.C.G.A. § 20-2-58(a) which prohibits county boards of education from requiring “notice by an individual *more than 24 hours prior to the meeting*” at which they wish to speak (emphasis added). A School District Constituent

therefore has only a single hour (the 24th hour before the meeting) in which to make their request to speak that satisfies the Code of Conduct, the “Chain of Command” requirements, and O.C.G.A. § 20-2-58(a). This is not a reasonable restriction given the purpose of the public comment forum.

### ***Chain of Command Form***

31. Under the Code of Conduct Section One, “only those individuals who have followed the Chain of Command procedure” may request to speak. A copy of the Chain of Command Form is attached as Exhibit B.

32. This form asks School District Constituents to disclose: (1) the “concern or issue” that they wish to discuss during public comment, (2) the name of anyone they may have spoken with regarding their concern, and (3) the information or concerns they wish to relay to the Board. This is chilling to individuals who may not feel comfortable disclosing this level of detail about their concern in writing.

33. The Chain of Command Form then outlines a multi-step series of BCSD employees that the School District Constituent is required to (1) schedule an appointment with, (2) meet with, (3) seek resolution from, and (4) obtain a determination on their issue prior to requesting to speak to the Board during public comment. For instance, for a “Classroom/Teacher Incident,” the School District Constituent must:

**STEP 1:** Contact the teacher: Staff emails can be located on individual school’s ***Staff Directory Link***.

**STEP 2:** If the issue is not resolved with the teacher, contact the school and make an appointment to speak with the school administrator (Assistant Principal and/or Principal)

**STEP 3:** If the issue is not resolved with the school administrator, contact the Board of Education and make an appointment to speak with the Assistant Superintendent.



**STEP 4:** If the issue is not resolved with the assistant superintendent, contact the Board of Education and make an appointment to speak with the superintendent.

**STEP 5:** If the issue is not resolved with the superintendent, complete the proper form to speak with the Board of Education Members during a regular board meeting. This form will only be provided when the Chain of Command has been followed and can only be obtained from the superintendent administrative assistant.

Exhibit B.

34. The Chain of Command Form outlines a similar 4- to 5-step series of meetings that a School District Constituent is required to schedule and participate in before requesting to address the Board about other categories including: “a school [i]ncident or [i]ssue that cannot be discussed with a specific teacher,” an “athletic or extra-curricular incident/issue,” or a “bus incident/issue.”

35. The Chain of Command Form requires the School District Constituent to sign and date an acknowledgement stating: “I have been informed of the BCSD Chain of Command and understand that I will follow the steps above prior to receiving the form that will allow me to speak at a Bacon County Board of Education meeting.” Exhibit B.

36. Requiring a School District Constituent to schedule and engage in up to four meetings with four different BCSD officials before being allowed to request to address the Board for three minutes (i.e., the maximum time each speaker is allowed under the Code of Conduct) unduly burdens the right to speak during public comment. Many people will not have the time, resources, or the fortitude to schedule four separate meetings and confront four different BCSD officials in order to address the Board.

37. The numerous meetings required by the Chain of Command Form also prevent spontaneous speech to the Board regarding urgent, rapidly developing, or time-sensitive matters concerning BCSD.

38. Finally, the Chain of Command Form provides no time frame in which the enumerated BCSD employees must meet with a School District Constituent or determine whether they can resolve the issue. This operates as a prior restraint because BCSD employees may preclude the School District Constituent from speaking by failing to timely schedule the Chain of Command meetings, and may delay their conclusion on a resolution of the issue presented. This includes both failing to schedule the meetings at all, or, taking so long to schedule them that the School District Constituent's issue of concern has already been decided by the Board, or has otherwise become moot or stale, before the Constituent has the opportunity to speak.

***Public Participation Request Form***

39. Finally, after the Chain of Command is followed, and before any School District Constituent is permitted to speak during public comment, they must also complete and submit the Public Participation Request Form to the Defendant Superintendent's office "*at least 24 hours in advance*" of the scheduled meeting where they wish to speak. As noted above, this requirement conflicts with O.C.G.A. § 20-2-58(a) which prohibits county boards of education from requiring "notice by an individual *more than 24 hours prior* to the meeting" at which they wish to speak (emphasis added).

40. The Public Participation Request Form, a copy of which is attached as Exhibit C, reiterates the Chain of Command Procedure, stating: "Individuals wishing to speak at BOE meetings must meet with the teacher or coach, principal and superintendent prior to approval of speaking to the BOE. The chain of command must be followed in all instances."

41. The Public Participation Form then requires disclosure of the topic the School District Constituent wishes to discuss, a brief outline of their intended remarks, and what they desire to have done.

42. If the School District Constituent wishes to make a complaint or report of wrongdoing, improper action, or neglect on the part of a school district official, teacher, administrator, board member, superintendent or other employee, the Public Participation Request Form asks them to disclose that individual's identity as well as the facts giving rise to the complaint.

43. Calling for disclosure of this level of detail about the School District Constituent's remarks invites viewpoint discrimination in the Defendant Superintendent's decision whether or not to approve them to speak. It is also chilling to individuals who may not feel comfortable disclosing this level of detail about their concern in writing, or who may lack the time or ability to articulate their concern, supporting evidence, and demand in writing.

44. Once submitted, the Public Participation Request Form is reviewed by the Superintendent, who determines whether the School District Constituent is permitted to speak for no more than three minutes during public comment at the requested Board meeting. Nothing in the Public Participation Policies requires the Superintendent to make this decision within any specified time frame, meaning the Superintendent has unfettered discretion to delay the decision until the request to speak is no longer relevant and the School District Constituent has lost the opportunity to inform, influence, or persuade the actions of the Board.

*Examples of Public Participation Request Denials*

David Swanson

45. On December 7, 2023, when the BCSD superintendent position was vacant, David Swanson, a resident of Bacon County and a BCSD teacher, submitted a Public Participation Request Form seeking to speak at that day's Board meeting regarding the process for selecting a new superintendent. Swanson wanted to advocate for an open search and hiring process and was hoping to apply and be considered for the position.

46. Swanson's request was denied because it was not submitted at least 24 hours before the meeting. This served to delay his opportunity to speak, thereby reducing the potential efficacy of his comment because of the rapid timeline on which the Board of Education was moving to fill the superintendent vacancy (see below).

47. On December 8, 2023, Swanson submitted a second request to speak about the superintendent selection process, this time at the December 11, 2023 Board meeting. After being required to complete the Chain of Command Form, he was granted permission to speak at the December 11<sup>th</sup> meeting.

48. After the meeting, a district-level BCSD employee approached Swanson in the parking lot and criticized him for his public comment about the superintendent selection process.

49. According to the minutes of the December 11, 2023 meeting, Defendant MARTIN was made the Interim Superintendent on that date. Just four days later, on December 15, 2023, the Board held a specially called meeting. This meeting did not have a public comment period, and the minutes reflect that most of the meeting was an executive session. After the executive session, Defendant MARTIN was appointed as the permanent Superintendent.

50. Meanwhile, back on December 8, 2023, Ben Rose, a resident of Bacon County, had submitted a Public Participation Request Form to speak at the December 11, 2023 Board meeting about the Superintendent selection process, just like Swanson. His request was approved, although it does not appear that Rose was required to complete the Chain of Command Form.

51. Requiring Swanson, but not Rose, to complete the Chain of Command Form even though they both requested to speak on the same topic at the same meeting indicates the Board selectively enforces its Public Participation Policies based on speaker identity, which is a form of viewpoint-based discrimination prohibited by the First Amendment.

Tom Ellis

52. In March 2025, Tom Ellis, a resident of Bacon County who takes interest in the governance of the Bacon County public schools, submitted a Public Participation Request Form to speak at that day's Board meeting about the organizational structure of BCSD school policing after he saw that this issue was listed as a meeting agenda item.

53. Mr. Ellis's request was denied because it was not submitted at least 24 hours before the meeting.

54. Mr. Ellis had only learned that school policing would be discussed at the meeting when he picked up the agenda from the usual meeting location. The agenda was made available less than 24 hours before the meeting. Changes to the organizational structure of school policing were approved at this meeting, meaning that Mr. Ellis was deprived of a chance to speak on the issue before it was voted on by the "at least 24 hours in advance" rule.<sup>2</sup>

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<sup>2</sup> ROBERSON and Ellis both attended the March 18, 2025 Board meeting and recall that the issue had been removed from the agendas that were circulated at the meeting, and that the issue

Gregory Roberson

55. On August 14, 2025, Plaintiff ROBERSON submitted a Public Participation Request Form to speak at the August 19, 2025 Board meeting regarding the conduct of the district-level BCSD employee who, in December 2023, had criticized Swanson for his public comment about the superintendent selection process.

56. On August 18, 2025, Mr. ROBERSON was called to a meeting with the Superintendent MARTIN about his request to speak. Superintendent MARTIN informed him that, pursuant to the Code of Conduct, School District Constituents are not allowed to speak about individual BCSD employees at Board meetings and denied his public participation request.

57. During the August 19, 2025 Board meeting, many individual teachers and school district employees received recognition, praise, and awards from the Board and the local school principals who spoke at the meeting.

58. Defendants MARTIN, HUGHES, and the BOARD MEMBERS allowing positive remarks to be made about individual BCSD employees at the same meeting where Mr. ROBERSON's request to comment negatively about a BCSD employee was denied illustrates that the Code of Conduct's statement that "[i]ssues involving individual employees . . . are not subject to public participation" is a viewpoint-based restriction aimed at preventing negative or critical speech about employees.

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had not been discussed or voted on at the meeting. However, the available minutes of the meeting reflect that the policy was approved by the Board.

**COUNT I: VIOLATION OF THE FIRST AND FOURTEENTH AMENDMENTS OF  
THE UNITED STATES CONSTITUTION**

59. Plaintiff incorporates by reference paragraphs 18 to 58 stated above.

60. The public comment period during the regularly scheduled meetings of the BCSD Board of Education is a limited public forum for School District Constituents “to bring concerns and issues before the [Board].” Exhibit A (Code of Conduct).

61. Government restrictions on private individuals’ speech in a limited public forum must be reasonable and viewpoint neutral. *Moms for Liberty - Brevard Cnty., FL v. Brevard Pub. Sch.*, 118 F.4th 1324, 1331 (11th Cir. 2024); *McDonough v. Garcia*, 116 F.4th 1319, 1329 (11th Cir. 2024).

62. The Public Participation Policies promulgated by BCSD and enforced by the individual Defendants are neither reasonable nor viewpoint-neutral.

63. The Code of Conduct’s prohibitions on public comments that involve “personal attacks on Board members [and] school district employees,” or that raise “[i]ssues involving individual employees or individual students” are not reasonable restrictions. The public comment period exists for the purpose of School District Constituents being able to communicate their “concerns and issues” to the Board. Exhibit A. Their “concerns and issues” may legitimately include criticism of (i.e., “attacks” on) BCSD officials (i.e., its employees) related to the performance of their public job duties and may also involve issues relating to individual BCSD students. It is therefore unreasonable to prohibit public comment involving “personal attacks” on BCSD officials, or to prohibit comment relating to individual employees or students. *Moms for Liberty*, 118 F.4th at 1337.

64. In addition to being unreasonable, Defendants Superintendent MARTIN, Board Chair HUGHES, and the other BOARD MEMBERS apply the prohibition on public comment

relating to individual BCSD employees in a viewpoint-based manner. Speakers at Board meetings have been permitted to make *positive* comments about individual school employees, as illustrated by, without limitation, the spoken content of the August 19, 2025 Board meeting during which many individual teachers and other BCSD employees received recognition, praise, and awards from the Board and the local school principals who spoke at the meeting. But Plaintiff ROBERSON's Public Participation Request to speak critically about a BCSD employee at that very same meeting was denied.

65. The Code of Conduct's prohibition on public comment relating to "pending litigation" is also not a reasonable restriction given the purpose of the forum. School District Constituents may have legitimate "concerns and issues" about publicly filed litigation involving BCSD or its officials, either related to the underlying merits of the litigation or to the cost or other impacts of the litigation on BCSD and its constituents. Moreover, litigation involving BCSD will almost certainly involve matters of public concern given that BCSD is a local unit of government and that it is funded, at least in part, by county taxpayers. This means that BCSD's litigation costs as well as any monetary judgments that may be assessed against it are a matter of public concern for county residents. It is therefore unreasonable to prohibit School District Constituents from offering public comment on such a broad topic as "pending litigation." Moreover, public comment is not a discussion with Board members because under the Code of Conduct "Board members will not respond at this meeting to comments and questions from speakers."

66. The Code of Conduct's prohibition on public comment relating to "pending litigation" is also a viewpoint-based restriction to the extent that it operates to prohibit speech



about legal accusations of wrongdoing against BCSD or its officials (i.e., negative speech about the School District or its employees).

67. The BCSD Code of Conduct authorizes the Board Chair, who is currently Defendant HUGHES, to terminate speech during public comment that is “disruptive or otherwise unacceptable behavior, including, but not limited to abusive, profane, or vulgar language; threatening behavior or words; personal attacks on Board members, school district employees, or other citizens; intimidation; or taunting.” These restrictions in a limited public forum are not reasonable because the terms “abusive,” “profane,” “vulgar,” “threatening,” “personal attacks,” “intimidation,” and “taunting” are not defined, leaving the interpretation and enforcement to the sole discretion of the Board Chair. *Young Israel of Tampa, Inc. v. Hillsborough Area Reg’l Transit Auth.*, 89 F.4th 1337, 1347, 1350 (11th Cir. 2024) (stating that a speech restriction is unreasonable and “by definition facially invalid” if it “fails to define key terms, lacks any official guidance, and vests too much discretion in those charged with its application”).

68. The Chain of Command Form is another unreasonable restriction given the purpose of the public comment forum at BCSD Board meetings. The Chain of Command’s onerous and numerous meeting requirements give “unbridled discretion” in that they must be fulfilled before a School District Constituent can request to address the Board and they thwart the purpose of public comment by creating unnecessary barriers to Constituents being able to communicate their “concerns and issues” to the Board.

69. The absence of any required timeframe for when BCSD officials (1) must hold the pre-requisite meetings, (2) consider and resolve the issue(s) presented as dictated by the Chain of Command Form, or (3) when – after the Chain of Command procedure has been followed, or in cases where the Chain of Command is not applicable – the Superintendent must

approve a School District Constituent's request to speak, constitutes a prior restraint on speech in a limited public forum. *Barrett v. Walker County School Dist.*, 872 F.3d 1209, 1222 (11th Cir. 2017). BCSD officials' unfettered discretion to simply delay scheduling the pre-requisite meetings, and the Superintendent's unfettered discretion to delay approving or denying requests to speak at public comment, operate to prevent Constituents from speaking at all, or at least while the issue is still live and timely.

70. BCSD's Public Participation Policies' 24-hour advance request-to-speak requirement is also unreasonable in light of current state law.

71. O.C.G.A. § 20-2-58 provides that "[a] local board of education shall not require notice by an individual *more than 24 hours prior to the meeting* as a condition of addressing the local board during such public comment period." (Emphasis added). Yet BCSD's Public Participation Policies require more than mere notice of intent to speak. They instead require that "only those individuals who have followed the Chain of Command Procedure and submitted a completed Public Participation Request Form to the Superintendent's Office *no later than 24 hours in advance of the regularly scheduled Board meeting* will be allowed to speak." (Emphasis added).

72. This 24-hours advance request provision leaves School District Constituents with only one hour, after fulfilling the Chain of Command requirements, to then submit their Public Participation Request where it will be in compliance with both BCSD's requirement of *at least* 24 hours in advance of the meeting, and with O.C.G.A. § 20-2-58's requirement that notice be required *no more* than 24 hours in advance of the meeting.

73. BCSD's requirement that a Public Participation Request be submitted at least 24 hours in advance of the Board's regularly scheduled meeting is further unreasonable in light of

the purpose of the public comment forum because it precludes School District Constituents from speaking on meeting agenda items when the agenda is not posted more than 24 hours in advance of the meeting for constituents to know what is on it.

74. The 24-hours-notice requirement is also unreasonable because it precludes School District Constituents from offering public comment on late-breaking “concerns and issues” occurring less than 24 hours before a meeting.

**COUNT II: VIOLATION OF THE GEORGIA CONSTITUTION,  
ARTICLE I, SECTION I, PARAGRAPH V**

75. Plaintiff incorporates by reference paragraphs 59 to 74 stated above.

76. Article I, section I, paragraph V of the Constitution of the State of Georgia states that “[n]o law shall be passed to curtail or restrain the freedom of speech or of the press.”

77. The Board’s Policies impose unreasonable and viewpoint-based restraints on Plaintiff and all School District Constituents who wish to speak at Board meetings in violation of the Georgia Constitution’s right to freedom of speech.

**COUNT III: VIOLATION OF THE FOURTEENTH AMENDMENT OF THE UNITED  
STATES CONSTITUTION**

78. Plaintiff incorporates by reference paragraphs 18 to 58 stated above.

79. The Due Process Clause of the Fourteenth Amendment of the United States Constitution, as applied to the states, prohibits Defendant BCSD from “depriv[ing] any person of life, liberty, or property without due process of law.” U.S. Const. amend. XIV, § 1. Regulations which contain vague, undefined terms violate the Fourteenth Amendment’s Due Process Clause. *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972) (“It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined.”).

80. Restrictions on protected speech, such as School District Constituents' speech on matters of public concern related to their local schools, are subject to a heightened vagueness standard. *Brown v. Entertainment Merchants Ass'n*, 564 U.S. 786, 793 (2011).

81. The BCSD Code of Conduct authorizes the Board Chair, who is currently Defendant HUGHES, to terminate speech during public comment that is "disruptive, and otherwise unacceptable behavior, including, without limitation abusive, profane, or vulgar language; threatening behavior or words; personal attacks on Board members, school district employees, or other citizens; intimidation; or taunting" and the speaker may be removed from the meeting. The terms "disruptive and otherwise unacceptable behavior," "abusive," "profane," "vulgar," "threatening," "personal attacks," "intimidation," and "taunting" are not defined, leaving the interpretation and enforcement to the sole discretion of the Board Chair.

82. The uncertainty surrounding how the prohibited terms in the BCSD Code of Conduct will be interpreted and enforced is chilling on School District Constituents who wish to participate in public comment but do not wish to run afoul of BCSD's Code of Conduct, which is read aloud before any Constituent is allowed to speak during a Board meeting and in the presence of the law enforcement officer positioned next to the Board members' platform. This uncertainty as to what speech is prohibited leads constituents to self-censor. *City of Lakewood v. Plain Dealer Publ'g Co.*, 486 U.S. 750, 757 (1988) ("[T]he mere existence of . . . unfettered discretion, coupled with the power of prior restraint, intimidates parties into censoring their own speech, even if the discretion and power are never actually abused . . .").

83. The Board Chair's unfettered discretion in interpreting and applying the undefined speech restrictions also facilitates viewpoint discrimination whereby speech favored by the Board Chair will be permitted but speech disliked by or offensive to the Board Chair will

be arbitrarily curtailed or silenced, with the speaker potentially removed from the meeting, by labeling the speech “abusive,” “profane,” “vulgar,” “threatening,” “personal attacks,” “intimidation,” “taunting,” “disruptive,” or “otherwise unacceptable behavior.” *See Minn. Voters All. v. Mansky*, 138 S. Ct. 1876, 1891 (2018) (holding that the discretion of a board meeting’s presiding officer “must be guided by objective, workable standards. Without them [the official’s] own politics may shape his views on what counts as [prohibited speech].”).

84. The Code of Conduct does not give adequate warning of what expressive activities it proscribes, nor does it set forth explicit standards for those who must apply it. Instead of providing objective, workable standards, the Code of Conduct forces speakers to guess as to whether their communication is punishable. This runs afoul of the Fourteenth Amendment.

85. Additionally, the BCSD Chain of Command’s numerous meeting requirements before a School District Constituent can even request to address the Board afford each BCSD official in the Chain of Command “unbridled discretion” to thwart public comment by delaying both scheduling and holding the required meetings as well as issuing a determination on the issue(s).

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff ROBERSON respectfully requests that this Court enter judgment against Defendants and issue the following forms of relief:

- A. Declare that Defendants’ Public Participation Policies violate the First and Fourteenth Amendments of the United States Constitution and the Georgia State Constitution facially and as-applied;
- B. Enjoin enforcement of the Public Participation Policies;

- C. Award compensatory damages, including at least nominal and presumed damages, for the violation of ROBERSON's First Amendment rights;
- D. Award reasonable attorneys' fees, expenses, and costs of litigation pursuant to 42 U.S.C. § 1988, O.C.G.A. § 50-14-6, and other applicable law; and
- E. Award such other relief as this Court deems just and proper.

### **DEMAND FOR JURY TRIAL**

In compliance with Federal Rule of Civil Procedure 38, Plaintiff demands a trial by jury on all issues so triable.

DATED: November 10, 2025

/s/ Clare Norins

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\*Many thanks to Clinic students  
Ben Privitera and Jacob Levy for their  
contributions to this pleading.

*Counsel for Plaintiff Gregory Roberson*

## **Exhibit A**



## Code of Conduct for Public Comments at Public Meetings of the Bacon County Board of Education

In order to provide a professional and courteous forum for citizens to bring concerns and issues before the Bacon County Board of Education, we ask that all speakers be aware of the following guidelines:

- 1) In accordance with Board policy, only those individuals who have followed the Chain of Command Procedure and submitted a completed Public Participation Request Form to the Superintendent's Office no later than 24 hours in advance of the regularly scheduled Board meeting will be allowed to speak.
- 2) Only residents of the School District, representatives of businesses or organizations located in the District, parents or guardians of students attending the schools of the District, or school system employees may address the Board during public participation.
- 3) The topic addressed must be identical to the one submitted on the Public Participation Request Form.
- 4) The public is urged to follow other resolution processes set forth in Board policy or available at individual schools, where those processes are clearly designed to address the issue to be raised.
- 5) Issues involving individual employees or individual students and pending litigation are not subjects for public participation.
- 6) Each speaker will be allowed 3 minutes.
- 7) Comments should be brief, clear, and to the point and must be addressed to the Board and not directed to the audience.
- 8) When called upon to speak, each speaker will identify him or herself and will indicate the group, if any, which he or she represents.
- 9) Time may not be yielded by one speaker to another.
- 10) Members of the public shall conduct themselves in a respectful manner that is not disruptive to the conduct of the Board's business. Signs, flags, and banners are prohibited inside the Board meeting room.
- 11) Board members will not respond at this meeting to comments or questions from speakers.
- 12) The Board Chair has the authority to terminate a speaker's presentation to the Board for disruptive and otherwise unacceptable behavior, including, but not limited to abusive, profane, or vulgar language; threatening behavior or words; personal attacks on Board members, school district employees, or other citizens; intimidation; or taunting, and the speaker may be removed from the Board meeting for such conduct as permitted by OCGA 20-5-58.

Updated 9-1-24



## **Exhibit B**



Chain of Command Procedure Form  
(Prior to Obtaining Request to Speak @ BOE Form)

Date of request: \_\_\_\_\_

*The secretary will have the person(s) answer the following questions.*

*A copy of this form should be given to the person with complaint/issue and a copy filed for future reference*

What is the concern or issue?

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Who have you spoken with concerning this issue?

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What information or concerns would you like to relay to the BOE members?

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*The secretary will review the Chain of Command Process that coincides with the complaint or issue listed above to determine if the process has been followed and the appropriate contacts have been made.*

### CHAIN OF COMMAND PROCESS

#### **Classroom/Teacher Incident**

- **STEP 1:** Contact the teacher: Staff emails can be located on individual school's ***Staff Directory Link***.
- **STEP 2:** If the issue is not resolved with the teacher, contact the school and make an appointment to speak with the school administrator (Assistant Principal and/or Principal)
- **STEP 3:** If the issue is not resolved with the school administrator, contact the Board of Education and make an appointment to speak with the Assistant Superintendent.
- **STEP 4:** If the issue is not resolved with the assistant superintendent, contact the Board of Education and make an appointment to speak with the superintendent
- **STEP 5:** If the issue is not resolved with the superintendent, complete the proper form to speak with the Board of Education Members during a regular board meeting. This form will only be provided when the Chain of Command has been followed and can only be obtained from the superintendent administrative assistant

**School Incident or Issue that cannot be discussed with a specific teacher**

- **STEP 1:** Contact the school and make an appointment to speak with the school administrator (Assistant Principal and/or Principal)
- **STEP 2:** If the issue is not resolved with the school administrator, contact the Board of Education and make an appointment to speak with the assistant superintendent.
- **STEP 3:** If the issue is not resolved with the assistant superintendent, contact the Board of Education and make an appointment to speak with the superintendent.
- **STEP 4:** If the issue is not resolved with the superintendent, complete the proper form to speak with the Board of Education Members during a regular board meeting. This form will only be provided if the Chain of Command has been followed.

**Athletic or Extra Curricular Incident/Issue**

- **STEP 1:** Contact the coach of the specific sport: Staff/Coaches emails can be located on individual school's ***Staff Directory Link***.
- **STEP 2:** If the issue is not resolved with the coach, contact the school and make an appointment to speak with the BCSD Athletic Director (912-632-4414)
- **STEP 3:** If the issue is not resolved with the athletic director, contact the school and make an appointment to speak with the school administrator (Assistant Principal and/or Principal)
- **STEP 3:** If the issue is not resolved with the school administrator, contact the Board of Education and make an appointment to speak with the Assistant Superintendent.
- **STEP 4:** If the issue is not resolved with the assistant superintendent, contact the Board of Education and make an appointment to speak with the superintendent.
- **STEP 5:** If the issue is not resolved with the superintendent, complete the proper form to speak with the Board of Education Members during a regular board meeting. This form will only be provided if the Chain of Command has been followed.

**Bus Incident/Issue**

- **STEP 1:** Contact Director of Transportation (912-632-5667)
- **STEP 2:** If the issue is not resolved with the school administrator, contact the Board of Education and make an appointment to speak with the Assistant Superintendent.
- **STEP 3:** If the issue is not resolved with the assistant superintendent, contact the Board of Education and make an appointment to speak with the superintendent.
- **STEP 4:** If the issue is not resolved with the superintendent, complete the proper form to speak with the Board of Education Members during a regular board meeting. This form will only be provided if the Chain of Command has been followed.

***I have been informed of the BCSD Chain of Command and understand that I will follow the steps above prior to receiving the form that will allow me to speak at a Bacon County Board of Education meeting.***

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Signature

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Date

## **Exhibit C**

**BACON COUNTY SCHOOL BOARD**  
**102 W 4<sup>th</sup> Street, Alma, GA 31510**  
**PUBLIC PARTICIPATION REQUEST FORM**

Public Participation Request Forms may be submitted by:

1. Hand Delivery: Board of Education, 102 W 4<sup>th</sup> Street, Alma, GA 31510
2. Email: lori.barber@bcraiders.com (add Public Participation to the email subject line)

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 Meeting Date: \_\_\_\_\_ Topic to be discussed: \_\_\_\_\_

Narrative: Please provide a brief outline of your remarks and what you desire to have done:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

☐ Please check here if documents are a part of your presentation. Please include a copy of the Documents when you submit this form.

**Please Note:** Individuals wishing to speak at BOE meetings must first meet with the teacher or coach, principal, and superintendent prior to approval of speaking to the BOE. The chain of command must be followed in all instances.

Do you plan or expect to make a complaint or report of wrongdoing, improper action, or neglect on the part of any school district official, teacher, administrator, board member, superintendent, or other employee?

☐ Yes ☐ No

If the answer is yes, what is the name and title of that person?

Name: \_\_\_\_\_ Title: \_\_\_\_\_

State briefly the facts giving rise to your complaint or report, stating dates, places, what was done or not done that you wish to report, and why you consider it to be improper:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

My signature indicates that I have read the Board Policy BCBI and agree to abide by the policy when addressing the Board of Education. I understand if an organization or group of persons wish to address the board at a meeting, only one representative will be able to speak on behalf of the group/organization and will have 3 minutes to speak.

Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone #: \_\_\_\_\_

Organization (if applicable): \_\_\_\_\_

**TO BE COMPLETED BY Bacon County Board of Education**

Received and acknowledged by: \_\_\_\_\_  
Name / TitleDate / Time