

EDUCATION LAW INTO PRACTICE

PARENTAL COMMUNICATION PROTOCOLS: THE CASE LAW AND ITS PRACTICE LESSONS*

by

Perry A. Zirkel, Ph.D., J.D., LL.M.**

Maintaining effective relationships with the parents of its students is essential to the proper functioning of public schools. At time, parents are dissatisfied with the programs for their individual children or more generally. Developing transparent and trusting communications with all parents can avoid or mitigate such dissatisfaction. Nevertheless, parents may express their dissatisfaction via formal channels, such as school board meetings and parent-teacher conferences, as well as more informal means, such as emails and social media postings. Those parents whose children have IEPs or 504 plans generally have additional reasons for concern and additional avenues for communicating these concerns.

In both the general and special education contexts, when the frequency and tone of such parental communications reach the point of disrupting school operations, the administration may seek to respond with stated restrictions in the form of what here is generically referred to as a “communication protocol.” Depending on the specific justification and nature of the communication protocol, the parents may resort to litigation. The potential legal bases for these challenges vary, with the primary and most general basis being the First Amendment of the Constitution and, if there is a connection to a child with disabilities, the specific alternatives of Section 504 of the Rehabilitation Act (§ 504), the Americans with Disabilities Act (ADA), or the Individuals with Disabilities Education Act (IDEA).¹

The purpose of this article is to canvas the court decisions arising from parent challenges to communication protocols. It does not extend to successively more drastic restrictions exclusively specific to access to the school grounds² or in the form of restraining orders.³ The first part of the article summarizes the pertinent case rulings in chronological order per legal basis—First Amendment expression/petition; § 504 or the ADA; the IDEA; and miscella-

* *Education Law Into Practice* is a special section of the EDUCATION LAW REPORTER sponsored by the Education Law Association. The views expressed are those of the author and do not necessarily reflect the views of the publisher or the Education Law Association. Cite as 449 EDUC. L. REP. 1 (October 8, 2026).

** Perry A. Zirkel, J.D., Ph.D., LL.M., is a retired professor of education law who shares his work at perryzirkel.com.

1. For the respective citations of the § 504, ADA, and IDEA legislation and regulations and a comprehensive, see Perry A. Zirkel, *The Latest Comprehensive Comparison of the IDEA and Section 504/ADA*, 416 EDUC. L. REP. 1 (2025).

2. *E.g.*, *McElhaney v. Williams*, 81 F.4th 550, 421

EDUC. L. REP. 84 (6th Cir. 2023) (remanding First Amendment retaliation claim to trial court to determine whether the one-week ban from parent’s access to softball games qualified as an adverse action and was causally connected to content of parent’s criticizing emails to the coach); *Lagerville v. Missoula Cnty. Pub. Schs.*, 2017 WL 3610549 (Aug. 22, 2017), *adopted*, 2017 WL 4896103 (D. Mont. Oct. 30, 2017) (rejecting § 504/ADA challenges of pro se parent with disabilities to restrictions on his access to his child’s school).

3. *E.g.*, *Del Mar Union Sch. Dist. v. Natalie R.*, 2024 WL1793579 (Cal. Ct. App. Apr. 25, 2024) (upholding a restraining order against a parent of a child with disabilities in relation to three teachers but modifying its duration from five to three years).

EDUCATION LAW REPORTER

neous other legal bases. The second part suggests boundaries for the use and content of such parental communication protocols.

I. Relevant Judicial Rulings Per Legal Basis

First Amendment

The First Amendment includes, in relevant part, not only freedom of expression but also “the right of the people ... to petition the Government for a redress of grievances.” In general, the *prima facie* case consists of these elements (1) protected activity, (2) adverse action, (3) causal connection, and (4) chilling effect.⁴

The Ninth Circuit Court of Appeals provided the lead decision addressing the constitutionality of a parental communications protocol in the public school context. In this case, after the school district conducted an eligibility evaluation under § 504 for a high school student with anxiety and concluded that she was not eligible for a 504 plan, her divorced father engaged in a series of contentious communications with school staff. As a result, citing the unusually excessive volume and intimidating nature of his communications, the district sent him a communications protocol that limited his emails and other communications with school staff to a meeting every two weeks with two designated administrators. The protocol notified him that the district would not respond to any other communications to school employees, except in the event of emergency and without restriction on his rights to appeal the § 504 determination, to attend school activities, or to have access to his child’s records. However, after he violated the protocol, the district changed the designated meetings from bi-weekly to monthly.⁵

In this case, the Ninth Circuit ultimately addressed his First Amendment claim, affirming the two-step analysis of the trial court. First, governmental entities are not constitutionally obligated to *respond* to communications from members of the public, which was what this communication protocol ultimately concerned.⁶ Second, even assuming *arguendo* that the First Amendment provided said obligation, in the absence of evidence that it was open for the requisite indiscriminate use,⁷ the school was not public forum, which only requires reasonable justification for regulating the manner of expression. For this justification, the Ninth Circuit concluded: “We agree with the trial court that the Communication Plan was a reasonable effort to manage a parent’s relentless and unproductive communications with District staff.”⁸

Two years later during the COVID-19 pandemic, a *pro se* parent of a general education student filed a multi-pronged lawsuit arising from his heated opposition to masking at school. In response to his repeated and increasingly hostile emails and telephone messages to school personnel, the district notified him that it would not respond to any further emails or voicemails from him and that, instead, he should submit any future communications via regular U.S. mail and the district would determine whether any properly submitted letters warranted a response. Rejecting his First Amendment challenge to this communications protocol based on the causation requirement, the federal district court in Nebraska concluded: “His allegations are insufficient to show the [communications protocol] was retaliation for

4. See, e.g., *Searle v. Red Creek Cent. Sch. Dist.*, 2023 WL 3398137, at *2 (2d Cir. May 12, 2023).

5. *L.F. v. Lake Washington Sch. Dist.* #414, 947 F.3d 621, 623–24, 373 Educ. L. Rep. 495 (9th Cir. 2020).

6. *Id.* at 626.

7. *Id.* at 627 (citing *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 267 (1988)).

8. *Id.*

PARENTAL COMMUNICATION PROTOCOLS

his mask-requirement opposition rather than a response to his harassing behavior.”⁹

During the following year, the Second Circuit affirmed the dismissal of a parent’s First Amendment challenge to a communications protocol that resulted from the continuing emails of a parent to teachers and administrators responsible for the education of his two children, which inferably general education students. The emails were replete with abusive language and had become increasingly strident in criticizing the competence and professionalism of staff members with whom he disagreed and insisting on their termination. In response, the district’s legal counsel directed the parent to direct all communications for the remainder of the year to the superintendent in writing without a copy to other employees. For his First Amendment retaliation claim, the Second Circuit summarily ruled that, assuming *arguendo* that he had satisfied the protected conduct and causation elements of the *prima facie* case, he failed to meet the “actual chilling” requirement. Likely in light of the protocol’s channeling rather than banning of his communications,¹⁰ the court concluded that he had not shown any resulting change in the behavior at issue.¹¹

A more recent general education parent’s First Amendment challenge extended the analysis to a communications protocol specific to social media posts. In this case, the parent posted repeated messages on her Facebook page criticizing school district officials for programs advancing “liberal political ideology.” Focusing on gender-based issues, her posts first targeted the middle school principal, then a high school librarian, and finally a particular teacher. In response, a school district administration representative sent the parent a letter directing her to “cease and desist from any reference to any [district] employee on social media and/or other public communication platforms” and to “have no contact with . . . staff without prior permission from the involved building principal or the superintendent.” The court rejected the parent’s First Amendment claim for two reasons. First, citing the aforementioned Ninth Circuit ruling among other case law,¹² this federal district court in Michigan observed the First Amendment permits reasonable restrictions based on time, place, or manner. Second, inferably based on the actual chilling element of the *prima facie* case, the communications protocol at issue did not ban her ability to express her views on social media or other forums, such as school board meeting.¹³

In a subsequent First Amendment ruling, a federal district court in Ohio summarily rejected the *pro se* challenge by a parent of a child with an IEP to a communications protocol that allegedly blocked her emails to the child’s teachers and other service providers by re-routing them to designated administrators. The court relied on the aforementioned line of decisions under First Amendment expression, observing that the protocol merely channeled rather than banned her emails.¹⁴

9. *Thomas v. Norris Sch. Dist.*, 160, 2022 WL 20668245, at *6 (D. Neb. Nov. 23, 2022).

11. *Searle v. Red Creek Cent. Sch. Dist.*, 2023 WL 3398137, at *2 (2d Cir. May 12, 2023).

10. The trial court provided a more detailed analysis, which included this reasoning: “Indeed, the [communication protocol] clearly states that Plaintiff could continue to communicate with the District, the communications were simply required to be directed to the Superintendent.” *Searle v. Red Creek Cent. Sch. Dist.*, 2021 WL 5086405, at *5 (W.D.N.Y. Nov. 2, 2021). Moreover, the lower court went a step further to conclude that even if he had shown the requisite chilling effect, the district met the applicable reasonable justification in light of the nonpublic forum context. *Id.*

12. *Supra* notes 5–6 and accompanying text.

13. *Boone v. Lowell Area Schs.*, 2025 U.S. Dist. LEXIS 193862 (W.D. Mich. Sept. 30, 2025).

14. *Thomas v. Beachwood City Sch. Dist. Bd. of Educ.*, 2026 WL 1396035, at *8 (May 19, 2026), *adopted*, 2026 WL 1805629 (N.D. Ohio June 23, 2026). Similarly reciting previous case law, including *Boone*, the court rejected her alternative claim under the First Amendment petitioning clause. *Id.* at 8–9.

EDUCATION LAW REPORTER

In the latest First Amendment ruling, a federal district court in Minnesota denied a pro se parent's motion for a preliminary injunction against restrictions on her communications with school personnel as well as access to school facilities. In response to her relentless barrage of emails that had a disruptive and threatening effect, the communications part of the protocol blocked her email address and only allowed for U.S. mail from her with the limited exception of official complaints pursuant to specific law or district policy. The court concluded that her First Amendment claim failed to meet the threshold elements of protected conduct and causal connection.¹⁵

§ 504 or the ADA

In general, a retaliation claim under § 504 or the ADA, which extends to nondisabled individuals who advocate on behalf of students with disabilities, requires the following prima facie elements: (1) protected activity, (2) adverse action, and (3) causal connection.¹⁶

In the case of the aforementioned Ninth Circuit decision,¹⁷ the parent did not appeal the federal district court's ruling regarding his alternate claim under § 504. The parent claimed that the school district's communication protocol amounted to retaliation for his advocacy in pursuit of a 504 plan for his daughter. The lower court summarily rejected this claim, finding that the fatal flaw was the lack of any showing of a causal link, assuming that he had established the predicate protected activity and adverse action. More specifically, the court concluded: "The record demonstrates the opposite: the District imposed the Communication Plan in response to L.F.'s history of burdensome, intimidating, and unproductive communication with District staff—and was completely unrelated to . . . [his expressly reserved right] to pursue a Section 504 appeal."¹⁸

A more recent decision illustrates the alternative of a more general claim of discrimination under § 504. In this case, the federal district court in Massachusetts summarily rejected the pro se parent's challenge to a communications protocol as follows: "Plaintiff's allegation that [the school district] violated the ADA by 'impos[ing] a communication ban across all schools, citing a TikTok narration video without notice or hearing,' does not plausibly plead that she was discriminated on the basis [of] disability."¹⁹

Most recently, in the aforementioned Ohio decision,²⁰ the court rejected the pro se parent's retaliation claim under the ADA for two alternative reasons: (1) failure to meet the threshold requirement of exhaustion, which applies to a FAPE-based claim that is not for money damages, and, in any event, (2) failure to demonstrate the prima facie element of causal connection.²¹

15. *Adams v. Indep. Sch. Dist.* 885, 2026 WL 1759329 (D. Minn. June 18, 2026).

16. *See, e.g., A.C. v. Shelby Cnty. Bd. of Educ.*, 711 F.3d 687, 696–97, 290 Educ. L. Rep. 542 (6th Cir. 2014). Upon sufficiently establishing these prima facie elements, the burden shifts back and forth to respectively show a legitimate, nonretaliatory reason and pretext. *See, e.g., D.B. v. Esposito*, 675 F.3d 26, 41, 278 Educ. L. Rep. 716 (1st Cir. 2012).

17. *Supra* note 5.

18. *L.F. v. Lake Washington Sch. Dist.* #414, 2018 WL

3428213, at *3 (W.D. Wash. July 16, 2018).

19. *Blidgen v. Braintree Pub. Schs.*, 2025 WL 3653778, at *5 (D. Mass. Dec. 17, 2025); *cf. Parnes v. Orange Cnty. Sch. Bd.*, 751 F. Supp. 3d 1283, 1291, 440 Educ. L. Rep. 682 (M.D. Fla. 2024) (rejecting, rather incidentally, § 504 discrimination claim based on parent's failure to show an effective ban on communication).

20. *Supra* note 14 and accompanying text.

21. *Thomas v. Beachwood City Sch. Dist. Bd. of Educ.*, 2026 WL 1396035, at *5–6 (May 19, 2026), *adopted*, 2026 WL 1805629 (N.D. Ohio June 23, 2026).

PARENTAL COMMUNICATION PROTOCOLS

IDEA

In general, the focus of the IDEA is on eligible students with disabilities, although parents have independent, enforceable rights of participation. As a result, pro se parents may represent their own rights, but not the rights of their child, in federal court.²² Moreover, a more general threshold requirement for bringing claims to federal or state courts under the IDEA is exhaustion, which refers to filing for a due process hearing and obtaining a resulting hearing officer decision.²³

A court decision in Oregon was the first case with an IDEA ruling specific to parental communications protocol.²⁴ Due to the extremely heavy volume and intimidating tone of the parent's emails to the general and special education teachers of her child with an IEP, the school district initially instructed to summarize and consolidate all her concerns in a single weekly email to the case manager, who would promptly issue a response. After the parent filed for a due process hearing and inundated the case manager and other staff members with emails, the special education director instructed the parent to direct all of them to her. Next when the parent continued her limited compliance, which increasingly mixed matters of the ongoing delivery of services to the child with those specific to the proceedings of the due process hearing, the special education director instructed the parent to direct all communications specific to the hearing process to the district's legal counsel. Finally, when the parent persisted in sending the teachers aggressive emails, the district had the teachers block her email address. However, the parent still had the opportunity to communicate with them when they were available via telephone and, at frequent IEP meetings, in person.²⁵

In this case, the hearing officer ruled in relevant part that the district's communication protocols violated the parent's right of meaningful participation in the IEP process. However, on appeal, the federal district court reversed this ruling, concluding that the district did not significantly impede the parent's opportunity to participate in the decision-making process for providing the student with FAPE. For example, the court cited preponderant evidence in the record that the parent fully participated in the IEP meetings while continuing to have the opportunity to communicate her concerns with district representatives regarding the delivery of services to her child.²⁶

In its aforementioned decision,²⁷ the federal district court in Massachusetts dismissed a parent's IDEA pro se challenge to a communication protocol that the school district issued in response to her posting of a Tik Tok narration video and that allegedly limited her participation in IEP meetings. The court ruled that she could proceed pro se in federal court

22. *Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516, 535 (2007). The prevailing view is that *Winkelman* did not affect the preexisting general rule that parents may not represent the rights of their child without legal counsel. *See e.g.*, *AAA v. Clark Cnty. Sch. Dist.*, 2024 WL 3292728 (9th Cir. July 3, 2024); *Warner v. Sch. Bd. of Hillsborough Cnty.*, 2024 WL 2053698 (11th Cir. May 8, 2024); *Foster v. Bd. of Educ. of Chi.*, 611 F. App'x 874, 321 Educ. L. Rep. 246 (7th Cir. 2015).

23. *See, e.g.*, Louis Wasserman, *Delineating Administrative Exhaustion Requirements and Establishing Federal Courts' Jurisdiction under the Individuals with Disabilities Education Act*, 29 J. NAT'L ADMIN. L. JUDICIARY 349 (2009) (canvassing the case law application of the provision in the IDEA requiring utilization

of the hearing officer system prior to initiating suit in court).

24. *Forest Grove Sch. Dist. v. Student*, 2018 WL 6198281 (D. Or. Nov. 27, 2018).

25. *Id.* at 2–5.

26. *Id.* at 13–15; *cf.* *Wood v. Katy Indep. Sch. Dist.*, 163 F. Supp. 2d 396, 418–19, 334 Educ. L. Rep. 98 (S.D. Tex. 2015) (rejecting parental claim that communications protocol, which channeled to designated administrators the parent's harassing emails for teachers, proved lack of collaboration per Fifth Circuit's four-factor analysis of substantive FAPE under the IDEA).

27. *Supra* note 19 and accompanying text.

EDUCATION LAW REPORTER

based on her own rights under the IDEA but only after exhausting the available administrative procedure of a due process hearing.²⁸

Most recently, in the above-mentioned Ohio decision,²⁹ the federal court rejected the parent's IDEA challenge to the communications protocol at issue for two independent reasons: (1) failure to exhaust this IDEA claim via a due process hearing, and, in any event, (2) insufficient showing that the restriction on emailing the child's teachers violated the parents' rights under the IDEA.³⁰

Miscellaneous Other Legal Bases

In the above-mentioned Second Circuit decision,³¹ the court also summarily rejected the parent's alternative claims of selective enforcement and "class of one" discrimination under the Fourteenth Amendment equal protection clause, concluding that he "fail[ed] to allege a similarly situated comparator sufficient to support either type of claim."³²

Similarly, in the aforementioned federal district court decision in Michigan,³³ the court summarily rejected the parent's alternative claim based on Fourteenth Amendment vagueness, concluding that the communications protocol at issue either lacked sufficiently clear notice or was subject to arbitrary enforcement.³⁴

Finally, in the aforementioned part of the decision in Washington not appealed by the parent who was a divorced father,³⁵ the trial court rejected his alternate claim based on the state's broad public accommodations discrimination law. The court concluded that although his marital status was a protected class and that the public school was a place of public accommodation, he failed to establish the other two of the four elements of a *prima facie* case under this state law, specifically "that the District treated him any differently than similarly situated person or that his protected status was a substantial factor in any purported discrimination."³⁶

II. Practice Lessons

The rather thin but relatively consistent line of judicial rulings specific to parental communications protocols provides ample but far from unlimited latitude for school district personnel. Although plaintiff-parents have not succeeded in any of the fifteen relevant claim rulings in these eight cases, they are almost all unofficially published decisions, and in half of them the parents were *pro se*.³⁷ The following practice recommendations are only preliminary, representing a blend of proactive professional and purely legal considerations and subject to local counsel's advice customized to the specifics of the case and the community.

28. *Blidgen v. Braintree Pub. Schs.*, 2025 WL 3653778, at *4 (D. Mass. Dec. 17, 2025).

29. *Supra* note 14 and accompanying text.

30. *Thomas v. Beachwood City Sch. Dist. Bd. of Educ.*, 2026 WL 1396035, at *4–5 (May 19, 2026), *adopted*, 2026 WL 1805629 (N.D. Ohio June 23, 2026).

31. *Supra* note 11 and accompanying text.

32. *Searle v. Red Creek Cent. Sch. Dist.*, 2023 WL 3398137, at *2–3 (2d Cir. May 12, 2023).

33. *Supra* note 13 and accompanying text.

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34. *Boone v. Lowell Area Schs.*, 2025 U.S. Dist. LEXIS 193862, at *12 (W.D. Mich. Sept. 30, 2025).

35. *Supra* note 18 and accompanying text.

36. *L.F. v. Lake Washington Sch. Dist.* #414, 2018 WL 3428213, at *4 (W.D. Wash. July 16, 2018).

37. The *pro se* status of the plaintiff-parents raises two partly opposing implications. First, it is likely that this status signals a more uphill slope to succeed in court based on the lack of legal expertise. Second, the absence of legal counsel could be, although not necessarily was, attributable to the lack of a viable case.

PARENTAL COMMUNICATION PROTOCOLS

First, before taking the issuance of a communications protocol in response to what you perceive as an excessive and inappropriate parental message, be careful to engage in self-restraint and big-picture cost-benefit analysis rather than kneejerk reactions. Have you exhausted less restrictive alternatives, such as use of third-party facilitation and group problem-solving?³⁸ Will a communications protocol, as compared to other alternatives, including but not limited to providing muted reaction to the parent's communications, in the long run foster more effective school outcomes for students?³⁹ If the child has a disability, how do the provisions of the IEP or 504 plan, the related procedural protections of the IDEA and § 504/ADA, and their corresponding dispute resolution provisions figure into the communications problem and its possible solution?⁴⁰ As a final and more general threshold matter, make sure that what you perceive as excessive and inappropriate communications has a high likelihood of passing muster from the impartial viewpoint of a judge in contrast to what may seem to be a consensus among your administrative colleagues.⁴¹

Second, if you move forward to develop a communications protocol, customize it to the nature and channels of the parent's messages, allowing for alternative avenues of expression and emergency exceptions rather than a complete and absolute ban. Focus on restrictions on time (e.g., weekly), place (e.g., designated administrators), and manner (e.g., summaries of concerns) that are highly likely to be judicially perceived as reasonable. Although the line is a fuzzy one, beware of restrictions or prohibitions based instead on the content of the parent's communications. Similarly, do not overgeneralize or automatically import these specific recommendations to more restrictive alternatives, such as restrictions on access to school facilities or proximity to staff members, which generally require more compelling and narrowly tailored justification or different criteria.⁴²

Finally, if you are going to issue the carefully developed protocol, consider what would likely be most effective for both the parent and potential litigation in terms of its form (e.g., an email or certified letter), its sender (e.g., a principal or the superintendent or the school attorney), its tone (e.g., a request or a directive), and its implementation (e.g., effective immediately or after a reasonable period for the parent's side of the story).

38. If the parent specifically or implicitly threatens a lawsuit in anticipation of a possible communications protocol, consider whether sharing a copy of the first part of this article may contribute to the alternative of joint problem-solving with or without the assistance of a third party.

39. In part, the analogous application of a functional behavioral assessment perspective may reveal the underlying function of the parents' communication and whether such a restriction may have a reinforcing rather than replacement effect.

40. Beyond the potential court claims of parents more generally, both the IDEA and Section 504 provide the decisional dispute resolution avenues of an impartial hearing and an investigative complaint resolution process. See e.g., Perry A. Zirkel & Brooke L. McGuire, *A Roadmap to Legal Dispute Resolution for Students with Disabilities*, 23 J. SPECIAL EDUC. LEADERSHIP 100 (2010) (canvassing the IDEA options of due process hearings and state complaints and the Section

504 options of due process hearings and OCR complaints). For the adjudicative avenue of the IDEA, an IEP provision that, for example, provides for specified periodic meetings with the parent, in addition to the required progress reporting to the parent would play a relevant role in determining whether the district complied with the IDEA's requirements for the parental opportunity for meaningful participation. See e.g., 20 U.S.C. § 1415(f)(3)(E)(II) (premising denial of FAPE for procedural violations on "significantly imped[ing] the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child").

41. As at least a partial step in that direction, the school administration in the aforementioned case in Nebraska (*supra* note 9) requested an independent opinion from the district's threat assessment team review the parent's communications to determine the reasonably perceived effect on disruption and safety.

42. *Supra* note 2.

EDUCATION LAW REPORTER

In sum, parental communications protocols, if carefully developed and utilized, may well be “legal.” However, they should be the exception to general practice. Otherwise, they may engender litigation that ends in winning a costly battle but contributes to a losing war.