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PRESS RELEASE

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DR. BRADLEY LAYFIELD HAS BEEN FIRED

Indian River: At its executive session this evening the Indian River School Board by a vote of 7-0 decided to fire Dr. Bradley Layfield, the former principal of Sussex Central High School.

(1). Recusals. Board members Dr. Donald G. Hattier and Dr. Heather M. Statler recused themselves from voting, and member Gerald T. Peden abstained. Previously counsel also asked Board President Leolga Wright to recuse herself also but she refused.

Board President Wright voted to terminate despite the fact that it is public knowledge that the Harmon and Wright families are Facebook friends. This then creates the appearance of impropriety to any reasonable observer because Wright cannot be unbiased regarding Ms. Harmon's conduct in the school fight that day. Wright should not have participated in any way in deliberations about the charges against Dr. Layfield. She cannot be impartial since Dr. Layfield is accused of intentionally mocking a Facebook friend's daughter. Legally, the "right to a fair trial before an impartial tribunal is a fundamental principle of due process that applies to courts and administrative agency proceedings alike." Gala v. Bullock, 250 A.3d 52, 65 (Del. 2021). This failure to be impartial can be the basis of a civil rights lawsuit against the District by Dr. Layfield since her participation tainted the executive session debate on the termination.

(2). Unequal Treatment Favoring Superintendent Owens. A second constitutional problem with the discharge is that Charge #2 claimed that a surveillance video of the racially motivated fight that day contained a brief instance of nudity when the attacker broke free and her breast popped out of her tank top and instantly was put back in. But as he and other administrators testified, Superintendent Owens, when he was principal, allowed 8 or 9 members of his staff to view video of 6 to 8 students at different times engaging in sexual intercourse in the stairwells of Sussex Central, under his watch.

No staff ever should have seen these intimate sexual acts which only were the business of parents, police and prosecutors. This unequal treatment between what Dr. Owens can get away with and firing Dr. Layfield for a much lesser alleged offense violates the constitutional duty to treat all district employees equally and not to single out disfavored ones. Dr. Owens should resign his office for humiliating these children. He cannot try to fire Dr. Layfield for a brief moment of nudity in a video which cannot even be noticed, when he allowed 8 to 9 members of his own staff to review the raw sexual acts of 6 to 8 children, as one of his own witnesses was forced to testify in the case against Dr. Layfield.

(3). The Meme Charge Of Nudity Was False From the Start. The detailed facts at the public termination hearing, and the subsequent 22,500 word annotated closing argument of Dr. Layfield, also revealed that the District abandoned its false charge #7 against him and significantly cleared his name on the worse charge of nudity found in charge #1.

Charge #1 always was focused on a meme containing “a ‘still shot’ of the exposed student’s breast.” The text of the charge references “the still” and “a student’s breast.” That was always the undisputed understanding of both the District prosecuting the case, and Dr. Layfield defending it.

But, no proof of any such nudity ever was revealed after a 9 month investigation by the District. So on the evening of February 14, 2024, mere hours before the termination hearing, the District changed its whole theme of the case and the factual basis of this specific charge, stating:

“Reference the notice of intent to terminate - To the extent any bases for termination were premised upon there being nudity in the meme, **we do not contend that there was nudity in the meme.**”¹

As noted, the District had previously represented that nudity in the meme, specifically, “a ‘still shot’ of the exposed student’s breast,” was the “very simple” to understand, factual core of this charge.² But Dr. Layfield always was innocent of this false charge, despite whatever mistakenly ran rampant through social media for months.

(4). The Weight of the Evidence and District Witnesses Feared for Losing Their Jobs. Based upon the agreement of the District, Dr. Layfield introduced the written testimony of 13 witnesses at the hearing. The District presented the live testimony of 11 witnesses, all employees who obviously feared for the loss of their jobs if their testimony hurt the District’s case. For example, one previously told the District’s police investigators there was a “fight” that day. But just before the hearing he flip-flopped and signed an affidavit swearing to the opposite, claiming there was no “fight” that day. Why did that happen? The reason is obvious and tainted the testimony of all the Districts employee witnesses.

As detailed in Dr. Layfield’s written closing argument, the clear weight of the evidence of his 13 witnesses favored his innocence of the charges, not the opposite conclusion made by the Board.

(5). Dr. Layfield Could Not Testify Because of the Pending Police Investigation. The hearing could never be fair because Dr. Layfield’s hands were tied behind his back preventing him from testifying in person. After a 9 month State Police and a still pending Attorney General’s investigation of supposed criminal charges, he could not take the stand because anything he said could possibly be used against him later in criminal court.

The District also refused during preparation for the hearing to turn over crucial evidence which would assist Dr. Layfield including: positive evaluations and commendations in his personnel records which were held back; security videos from the several other cameras recording the fight that day; the annual records kept in his office documenting the serious problems with dangerous fights throughout the District; and not allowing the students involved

¹ (J. McMackin e-mail to T. Neuberger dated Feb. 14, 2024 at 7:38 p.m.).

² (J. McMackin letter to Judge Carpenter dated Jan 24, 2024 at p. 2).

in the fight to be called as witnesses to corroborate the fight's racial motivations.

(6). The Record of His Professionalism Has Been Ignored. The Board has ignored the 23 years of abundant record evidence of Dr. Layfield's professionalism. As exhaustively detailed in response to Charge #10 (the false claim that he is unprofessional), Dr. Layfield is a man who has dedicated his life to education. Review of that testimony demonstrates that from helping students in need, to mentoring teachers to enable them to be the best they can be, the youth of Sussex County have been well-served by his dedication to ensuring they emerge from Sussex Central better equipped to be the productive citizens which our State so sorely needs.

(a). From Students.

In one graduating senior's words in 2020:

I really want to pay homage to you as one of the *best principals* any student athlete could ever ask for ... you've been such a *role model and inspiration* to me and *like a father figure* and I couldn't thank you enough you molded me to become the man I am today.

(Layfield Ex. 10 at 6).

An outgoing student council president said, "your actions inspire others to dream more, learn more, do more and become more, you are a leader." (Id. at 5). His "strong and caring leadership" was praised and found directly responsible for the "environment of respect, safety and effective education" experienced by all 1,500 members of the student body from every "race, nationality, [and] socioeconomic background." (Id.)

(b). Teacher of the Year Robert Weber.

Since I first entered the hallways of Sussex Central High School as a student teacher nearly a decade ago, Doctor Bradley Layfield has epitomized the role of a leading individual within an educational setting for me.... I quickly realized that Doctor Layfield was deeply committed to the success of the school [en]trusted to his care.

(Layfield Ex. 2 at 5).

He "is a good and decent human person, an outstanding educational leader, and someone I truly respect." (Id. at 7).

(c). Lisa Lasher, a parent.

Lisa Lasher is a local businesswoman and parent of a recent Sussex Central graduate. She described Dr. Layfield as one of a few "[g]reat men [who have] dedicated their lives to the students of the Indian River School District and to the community around it." (Layfield Ex. 1 at 16).

Counsel doubts whether Dr. Layfield will go away quietly in the night after more than 9 months of character assassination by the District. He has two years to recover emotionally and

make up his mind on his next steps. The Layfield Legal Defense Fund has been formed at my office to finance his federal lawsuit. Contributions can be made payable to “The Neuberger Firm, Attorney Trust Account,” memo “Layfield,” sent to P.O. Box 4481, Wilmington, DE 19807.

Dr. Layfield is represented by Thomas Neuberger of The Neuberger Firm, who can be reached at 302-383-1040.