



Macomb Mom Fights for Parents' First Amendment Rights

By Steve Delie | October 2022

Parents should be free to stand up for their children without risking their professional livelihood. Unfortunately, Sandra Hernden faced that risk when she was threatened at her job and reported to the Department of Justice for pushing back against her son's school board and its COVID-19 policies. Now, with the help of the Mackinac Center Legal Foundation, Sandra is taking her case to federal court. She hopes to be the last mother who faces retaliation for trying to secure the best possible education for her child.

In the fall of 2020, Chippewa Valley Schools decided against returning to school face-to-face in response to COVID-19. Sandra, a police officer and parent of a special needs student, opposed this policy, as she had seen the effects remote learning had on her son earlier in the pandemic. Sandra's son Conor needs individualized attention if he is to learn to his greatest potential. Not being in the classroom prevented him from getting the help he needed. His grades worsened. His GPA dropped from 3.5 to 1.5. He began to suffer socially and emotionally. The school's answer was to give Sandra a list of tutors, but none of them responded when she asked them to help.

So she fought back.

Sandra made her voice heard both by speaking at school board meetings and by e-mailing members of the board. She accused the board of making politically motivated decisions, and argued that these decisions were not in the best interest of the children who would be forced to live with them. In response,

one board member, Elizabeth Pyden, chose to write Sandra's supervisor at the time, the chief of police, essentially suggesting that Sandra's conduct was unbecoming a

police officer. Pyden said in her email that she was not asking the chief to discipline Sandra, but the subtext was clear: Stop challenging us, or risk losing your job. The chief ordered an internal investigation, but Sandra was not disciplined.

Sandra continued to fight for the best interest of her son. But soon the board began interrupting her when she spoke at its meetings, preventing her from sharing her views. In response, Sandra e-mailed the board a link to a federal case in which a court found that a school board had violated a parent's First Amendment rights by restricting speech during a

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meeting. Sandra then cautioned the board to tread carefully when restricting her speech.

In response, Frank Bednard, another board member, decided to contact the Department of Justice, which had issued its infamous memorandum about investigating parents only the day before. Bednard's e-mail specifically called on the DOJ to act, stating, "Anything that could be done to curb this behavior by these people would be greatly appreciated by our Board, administration, and community."

The behavior Bednard was referencing, however, is speech that is protected by the First Amendment. The same is true of the e-mails giving rising to Pyden's complaint — in both instances, Sandra was fighting against government policy that was harming her child. In response, the school board went after her employment and her freedom to speak.

Now, Sandra is hoping that her lawsuit will vindicate parents' rights to speak out for the policies they believe will support their children's education.

"It honestly feels like they tried to take me away for being a parent for my children," Sandra said. "At some point, the board needs to be held accountable

for everything they've done. And I think, at the end of the day, after all the fighting that I've done to advocate for my children, and the children of parents who feel just like me, we need justice. We need the vindication of showing that these are our children, not theirs, and they can't silence us for trying to help them get the best education they can."

Parents shouldn't need to fear losing their livelihood or even their freedom for exercising their constitutional rights. And school boards need to understand that attempts to illegally silence parents' speech is not acceptable. Parents like Sandra have every right to fight for what they believe is best for their children. Hopefully, it won't take more lawsuits for school boards to realize that.

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