

JUL 08 2026

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION

TAMMY H. DOWNS, CLERK

By: \_\_\_\_\_ DEP CLERK

JOSHUA CHANCE DUNCAN

Plaintiff

v.

Case No. 4:26cv673-DPM

RUSSELLVILLE SCHOOL DISTRICT NO. 14

Defendant

COMPLAINT

1. Joshua Chance Duncan (“Chance Duncan”) has been a professional educator for eighteen years. He is a highly decorated biology teacher who has won multiple teaching awards, participated in nationwide initiatives that promote STEM education, and brought one-of-a-kind learning opportunities to his students.

2. As of September 2025, Mr. Duncan had been a biology teacher at Russellville High School for ten years. According to the Russellville High School principal, Dr. Nic Mounts, Mr. Duncan is a “fantastic teacher” and “in the top five most competent teachers [he has] ever witnessed.”

3. On Wednesday, September 10, 2025, Mr. Duncan exercised his First Amendment speech rights when he made a Facebook post regarding the death of political activist Charlie Kirk. Mr. Duncan made the Facebook post after school hours and on his personal device. Although Mr. Duncan’s Facebook page was set to private, someone with access to his page screenshotted the post and spread it around.

This case assigned to District Judge \_\_\_\_\_  
and to Magistrate Judge \_\_\_\_\_

Marshall  
Valps

4. Dr. Luke Lovins, the superintendent of defendant Russellville School District No. 14 (“Russellville School District” or “the District”), learned about Mr. Duncan’s Facebook post the next day, Thursday, September 11. The same night, Mr. Duncan learned through the District’s Human Resources Director, Brittany Herring, that he was suspended pending an investigation into the Facebook post. The following Monday, Dr. Lovins informed Mr. Duncan that he intended to recommend that the Russellville School District Board of Education (“the School Board”) terminate Mr. Duncan.

5. About two weeks later, the School Board voted, upon the recommendation of Dr. Lovins, to terminate Mr. Duncan. In doing so, the Russellville School District retaliated against Mr. Duncan for exercising his First Amendment speech rights.

#### JURISDICTION AND VENUE

6. This Court has federal question jurisdiction under 28 U.S.C. § 1331 because Mr. Duncan’s claim arises under the First Amendment of the United States Constitution and 42 U.S.C. § 1983.

7. Venue is proper under 28 U.S.C. § 1391 because this is the judicial district in which the events giving rise to Mr. Duncan’s claim occurred.

#### PARTIES

8. Plaintiff Joshua Chance Duncan is a citizen of Dardanelle, Yell County, Arkansas, and a former teacher in the Russellville School District.

9. Defendant Russellville School District No. 14 is located in Pope County, Arkansas, and is a political subdivision and “body corporate” that “may contract and

be contracted with, and may sue and be sued” under Arkansas law. *See* Ark. Code Ann. § 6-13-102.

### FACTS

#### CHANCE DUNCAN’S CAREER AS A TEACHER

10. At the time of his termination, Mr. Duncan had been a biology teacher at Russellville High School for ten years and a professional educator for eighteen years. Before teaching at Russellville High School, Mr. Duncan taught at three other public high schools in Arkansas.

11. As a teacher at Russellville High School, Mr. Duncan specialized in advanced biological and medical sciences.

12. Mr. Duncan holds a Bachelor’s degree in Life and Earth Science Education and a Master’s degree in Science Education.

13. Because of his educational background, Mr. Duncan was one of two teachers in the District eligible to teach concurrent credit biology, which is a college-credit course available to qualifying 9th and 10th graders. To teach this class, a teacher must have a Master’s degree in a related field and at least eighteen hours of biology credit in a Master’s degree program.

14. Mr. Duncan was also one of two teachers certified to teach Project Lead the Way (“PLTW”) Medical Interventions and the only teacher whose schedule allowed him to teach the class during the 2025–2026 school year. To teach the course, a teacher must complete PLTW core training, which Mr. Duncan completed during a two-week course in 2018. PLTW Medical Interventions is the final course students

must take to complete the Success-Ready Biomedical Sciences Pathway, which allows students to earn a diploma with merit recognized by the Arkansas Department of Education Division of Career and Technical Education.

15. Mr. Duncan has received accolades for his work as an educator. In 2020, Mr. Duncan was awarded the Outstanding Biology Teaching Award from the Arkansas Chapter of the National Association of Biology Teachers. The same year, Mr. Duncan was awarded the Lucretia Herr Biology Teaching Award from the Southeast Association of Biologists.

16. In 2023, Mr. Duncan was one of 100 educators nationwide to participate in the Society for Science Advocate Program, a yearlong fellowship that supports teachers and mentors who are working to increase the number of students who enter STEM research competitions.

17. Mr. Duncan received merit pay from the State of Arkansas for the academic growth his students exhibited during the 2024–2025 school year.

18. Mr. Duncan’s expertise allowed him to give students at Russellville High School unique educational experiences, such as leading the school to become the first secondary educational institution in the world to successfully hatch out the endangered Louisiana pine snake (*Pituophis ruthveni*).

19. Mr. Duncan is highly respected by his students and colleagues. One former student described Mr. Duncan as “one of the most important influences in my academic career.” A colleague at Russellville High School described Mr. Duncan as “a tremendous teacher, effective student advocate, and helpful colleague . . . [who]

has used his position as an educator to further advances in the scientific community and gain notoriety for the Russellville School District . . .”

#### RUSSELLVILLE SCHOOL DISTRICT FIRES MR. DUNCAN FOR HIS SOCIAL MEDIA POST

20. Political activist Charlie Kirk was murdered on Wednesday, September 10, 2025. Mr. Kirk’s death prompted thousands of social-media posts both in support of and critical of Mr. Kirk.

21. That evening, at about 7:00 p.m., Mr. Duncan posted to his private Facebook page a quote from Clarence Darrow: “I’ve never wished a man dead, but I have read some obituaries with great pleasure.” Mr. Duncan added a comment of his own: “Just seemed fitting today.”

22. Mr. Duncan made the post after school hours and on his personal device.

23. Mr. Duncan’s Facebook page was set to private and the post was only viewable to about 1,200 people that Mr. Duncan had added as “friends,” none of whom were current students of his.

24. Though Mr. Duncan’s Facebook account was set to private, one of the people with access to his page screenshotted the post and began sharing it with others.

25. Mr. Duncan deleted the post the next morning, Thursday, September 11, 2025, around 6:00 a.m. He deleted the post of his own volition before he went to work and before he knew it had been screenshotted and spread around. Mr. Duncan’s post remained online for less than twelve hours.

26. On Thursday afternoon, Dr. Lovins became aware of Mr. Duncan's Facebook post because the District received complaints, some of which were anonymous or from people outside of Russellville, about the post.

27. The same day, the District's Human Resources Director, Brittany Herring, informed Mr. Duncan that he was being placed on administrative leave pending an investigation into the post. Mr. Duncan was told not to report to work on Friday, September 12, and his access to his work email and Google Drive were suspended at that time.

28. On Sunday, September 14, Mr. Duncan wrote an apology letter to Dr. Mounts, the Russellville High School principal. In the letter, Mr. Duncan wrote: "Teaching is more than a career to me. It is my life's work and something I take great pride in. I care deeply about my students and about maintaining the trust of our school community. I want to assure you that I remain committed to upholding the professionalism and standards expected of me as an educator." Mr. Duncan went on to state: "I accept that there may be disciplinary consequences, and I am willing to take any corrective steps the District feels are appropriate . . . My goal is to remedy this situation and to continue serving our students, staff, and families with integrity."

29. On September 15, Mr. Duncan also issued an apology on his Facebook page. In the apology he stated: "Teaching is my passion and my life's work. In the classroom, I am committed to fairness, respect, and care for every student. While I would never bring a post like this into my teaching, I also know that what I share

publicly matters. I am committed to learning from this mistake and ensuring that what I put into the world reflects my sincere compassion and understanding. I will carry this lesson forward. I am determined to do better.”

30. Nevertheless, on Monday, September 15, Dr. Lovins officially notified Mr. Duncan via letter that he was recommending to the School Board that Mr. Duncan be terminated.

31. Dr. Lovins claimed the reason for his recommendation was that Mr. Duncan engaged in “unprofessional conduct” and violated District Policy 3.45, covering “Licensed Personnel Social Networking and Ethics.” That policy says that opinions on social-media sites “could potentially lead to disciplinary action being taken against the staff member” and includes the speech-restrictive “rule of thumb” that “if you wouldn’t say it in class, don’t say it online.”

32. In the letter, Dr. Lovins specifically pointed to Mr. Duncan’s post about Charlie Kirk and otherwise made it clear that the post was the reason for the recommended termination.

33. On September 25, 2025, the School Board held a special meeting to consider Dr. Lovins’ recommendation to terminate Mr. Duncan. At the meeting, Dr. Lovins testified that, after Mr. Duncan’s Facebook post was shared publicly online, the District received phone calls, emails, and text messages complaining about Mr. Duncan.

34. At the hearing, the District presented exhibits documenting the calls, emails, and text messages Dr. Lovins relied on. The exhibits showed that the

District received 53 phone calls, but only five came from callers who identified themselves as parents or grandparents of students in the District. The exhibits also showed 124 emails sent to the District regarding Mr. Duncan. Of those, 22 emails were from Russellville students, employees, or parents supporting Mr. Duncan and 29 emails were from students, employees, or parents complaining about Mr. Duncan. The other 73 emails came from people with no apparent connection to the District. Some came from individuals whose IP addresses suggest they live out of state.

35. Mr. Duncan also testified at the meeting, expressing remorse for making the Facebook post and his willingness to take steps that would satisfy students or parents who were upset with him. Dozens of people attended the meeting in support of Mr. Duncan, with six individuals who were colleagues, students, or former students testifying on his behalf. Dozens more wrote letters or made phone calls to the District in support of Mr. Duncan and over 1,700 people signed an online petition urging the Board not to terminate Mr. Duncan. In a later interview with an Arkansas Department of Education Professional Licensure Standards Board (“PLSB”) investigator, Dr. Mounts recalled that he was surprised by the number of people who attended the meeting and that “the crowd that night was 90 plus percent in favor” of Mr. Duncan.

36. After hearing arguments from counsel for the District and counsel for Mr. Duncan, the School Board voted to accept Dr. Lovins’ recommendation and terminate Mr. Duncan. Five board members voted to accept the recommendation,

one board member voted to reject it, and one board member did not vote because she did not attend the meeting.

37. Though Mr. Duncan's post triggered communications to the District's administrative offices, it did not disrupt operations at Russellville High School. According to Dr. Mounts' statement to the PLSB, "our kids were not adversely affected" by the post.

#### **MR. DUNCAN SUFFERS ONGOING HARM**

38. Mr. Duncan continues to suffer ongoing harm stemming from his termination.

39. The first harm Mr. Duncan experienced was punishment by the PLSB, of which Dr. Lovins is a member.

40. On Thursday, September 12, 2025, Dr. Lovins submitted a complaint against Mr. Duncan to the PLSB. Dr. Lovins filed the complaint just one day after he learned of Mr. Duncan's Facebook post and before he informed Mr. Duncan that he was recommending that the School Board terminate him.

41. In the complaint, Dr. Lovins claimed that Mr. Duncan violated Code of Ethics Standard 2: Competence, Disposition, and/or Professionalism, which states "[a]n educator maintains competence regarding his or her professional practice, inclusive of professional and ethical behavior, skills, knowledge, dispositions, and responsibilities relating to his or her organizational position.

42. On February 6, 2026, the PLSB Ethics Subcommittee, by a vote of 3-0, found that Mr. Duncan had violated Code of Ethics Standard 2 by "exhibit[ing] an

inappropriate disposition inclusive of professional and ethical behavior” and “violat[ing] district, state, or federal policies or law.”

43. On March 6, 2026, the PLSB Ethics Subcommittee imposed the following sanctions on Mr. Duncan: one year of probation; a fine of \$250.00; and four hours of training related to communication, social media, and online etiquette, to be paid for at Mr. Duncan’s expense.

44. Mr. Duncan has also suffered harm regarding his employment at Arkansas Governor’s School (“AGS”).

45. During the summers from 2019 to 2025, Mr. Duncan worked as an instructor at AGS, which is a four-week summer program that offers a unique learning experience for upcoming high school seniors.

46. Mr. Duncan received overwhelmingly positive evaluations from his students at AGS in 2025. One student described him as “engaging, clear, and extremely welcoming.” Another described him as “respectful and kind” with a “good method of teaching that kept everyone engaged.”

47. Mr. Duncan applied to teach at AGS again in 2026. On April 16, 2026, the AGS Faculty Subcommittee, which is in charge of recommending faculty members to be hired for AGS, recommended that Mr. Duncan be hired to teach at AGS in 2026.

48. Under Arkansas law, the AGS Faculty Subcommittee’s recommendations must be approved by officials at the Arkansas Department of Education (“ADE”). Upon receiving the recommendation list, ADE Assistant Commissioner of Learning

Services Dr. Kiffany Pride rejected the AGS Faculty Subcommittee's recommendation and blocked Mr. Duncan from being hired to teach at AGS in 2026.

49. Mr. Duncan has also experienced harm because his termination from the Russellville School District has impacted his ability to be hired by another school district.

50. In May of 2026, Mr. Duncan applied to two open positions at Conway High School. Mr. Duncan interviewed for the positions, and the Conway High School principal called Mr. Duncan's references, who gave him good reviews. The Conway High School principal informed one of Mr. Duncan's references that the entire science department at Conway High School wanted Mr. Duncan to be hired.

51. However, Mr. Duncan later received a form email informing him that the Conway School District was pursuing other candidates. Mr. Duncan was qualified for the positions at Conway High School, and it is likely that he was not hired because of his termination from the Russellville School District.

52. Finally, Mr. Duncan is experiencing ongoing harm because, although he is currently employed, he earns approximately \$10,000 less per year than he did in his position at Russellville High School.

#### CAUSE OF ACTION

#### **COUNT ONE: First Amendment Retaliation**

53. Mr. Duncan incorporates the previous paragraphs as if fully stated herein.

54. Mr. Duncan engaged in protected speech under the First Amendment when he made a Facebook post in reaction to the death of Charlie Kirk, which was posted outside of school hours and using a personal device.

- a. Charlie Kirk's death was a matter of public concern.
- b. Mr. Duncan's Facebook post was made as a citizen rather than as a public employee.
- c. Insofar as the District had any interest at all in punishing Mr. Duncan for his speech, Mr. Duncan's interest in commenting on a matter of public concern outweighed the District's interest in promoting the efficiency of the public services it performs through its employees.

55. The District's decision to fire Mr. Duncan was motivated by Mr. Duncan's protected speech.

56. Mr. Duncan's termination was therefore unconstitutional retaliation against him for exercise of his First Amendment speech rights.

#### RELIEF REQUESTED

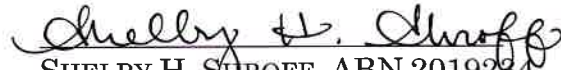
57. Plaintiff Chance Duncan asks the Court to provide the following relief:

- a. Enter a declaratory judgment that Defendant Russellville School District violated Mr. Duncan's First Amendment rights;
- b. Enter an injunction requiring Defendant Russellville School District to reinstate Mr. Duncan to his former position;
- c. Award Mr. Duncan attorney's fees and legal costs; and

d. Provide any other necessary and proper relief to which Mr. Duncan is entitled.

Dated: July 8, 2026

Respectfully submitted,



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