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**Student perspectives: First Amendment rights in school**

By Eli Raphael, adapted by Newsela staff

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In 2017, Brandi Levy was a 14-year-old student disappointed at being kept on her high school's junior varsity cheerleading team for another year. So she took to Snapchat to voice her frustration. While at a store with a friend in her hometown of Mahanoy City, Pennsylvania, Levy posted a rant filled with a particular profanity, along with a photo in which she and her friend made a rude gesture. The cheerleading team's coaches soon found out about the post. They suspended Levy from the team for a year.

Levy's parents filed a lawsuit with federal courts on their daughter's behalf. The suit claimed that Levy's right to free speech had been violated. The case has now gone to the U.S. Supreme Court, where the justices are deciding whether public schools can discipline students for the things they say off-campus.

We asked students to tell us what they thought about the case and the limits of free speech. The responses reveal that students feel very strongly about this issue. "Many students around the world use social media to express themselves," wrote one student, Hazel A., age 14. "Students' posts on social media should be considered a part of their free speech."

Nearly 60 students wrote in to share their thoughts. We are grateful to every student who used their voice to express themselves and their opinions. Below are some selected examples.

**Students Say: Teens Need a Space to Speak Out**

"Free speech is an important thing. It creates a system that can move and change over time. ... Without our freedom of speech, we might still have slavery or Jim Crow laws. Without the ability to say and do things outside of campus, students have no free will to choose something different from the popular opinion. ... Public schools, which are government-regulated, should have no ability to peer into what students are doing in their personal time. ... It can only make our society even more one-minded and bland." — Carsen B., age 15

"Many students use social media as a platform to advocate for the political, social and religious issues they are passionate about. Students have a right to share a post and express their feelings towards an issue that is particularly frustrating. ... Just because a student uses profanity does not make the post threatening or the student a bad person. ... It is important for students to speak up on all issues, even controversial ones." — Maria R., age 15

**Students Say: There's Supreme Court Precedent Here**

"Tinker v. Des Moines shows that preventing students from expressing ideas is unconstitutional. If schools had the ability to limit what students are allowed to post on social media, that would be infringing on their First Amendment rights." — Amelie K., age 13

"Social media ... sites are privately owned businesses and are protected against government censorship. If the government is not able to punish you for what you say on social media platforms then neither should schools. ... According to the Tinker v. Des Moines decision, schools can not limit student's freedom of speech, although the court decided that Tinker does not cover off-campus speech in Levy's case. Honestly, these laws should be updated to fit cases like these that involve social media." — Hailey F., age 18

**Students Say: Social Media Is For Self-Expression**

"Social media acts as an outlet for many students. The moment you take that freedom of expression away, it puts us in a very difficult position where we can't truly convey ourselves." — Chaniya G., age 15

"As student[s] and teenager[s] we go through a lot of emotions every day. ... Some might take their frustration out on people around them, others may take their frustration out on social media. Everyone has their own way of expressing themselves and restricting a coping mechanism enables the person to keep their emotions bottled up. ... Sometimes it's good to let other people know. Sometimes you might get some help from other people that have gone through that." — Ilias K., age 15

**Students Say: In Some Cases, School Punishment Makes Sense**

"Staff and students have a right to a safe environment at school, and if a student violates that right by saying something threatening or harmful, then that's when the school should be able to punish said student. ... There needs to be a classification of what is threatening or harmful." — Vineet J., age 14

"The use of hate speech and making threats directed to a school, or students, would allow for the school to discipline you, especially if it is against their code of conduct. Someone may not be following the guidelines they agreed to in the terms and conditions of the [social media] platforms and the school." — Olivia S., age 13

"Freedom of speech isn't freedom from consequence. Consider this: a student makes a speech at an assembly for student council, but uses obscene language. Should that student be condemned? Bethel School District v. Fraser believes the student is at fault and schools can censor language that disrupts the learning environment. ... Posts online are no different. Students should have the freedom to post what they want, as long as they aren't 'fighting words' or obscene language that could cause a disruption, like a fight." — Elena L., age 15

"Studies find that positive approaches to school discipline at all ages can actually improve students' academic performance, and those students are less likely to become involved in the juvenile justice system or have need for behavioral services." — Ajaya B., age 19

**Students Say: Schools Should Teach Students to Use Social Media Safely**

"Students should be able to post on social media without being tracked by the schools, but there should be certain guidelines so that students won't harm others. Some guidelines may include not promot[ing] bullying or racism, or not record[ing] students or staff in the building without consent." — Nosaifa L., age 16

"Schools should not discipline students for what they post on social media. Instead, they can inform their students on how to carefully use social media without inflicting harm to anyone or themselves. Suppose there was a case where a student was uploading content that would be considered cyberbullying. ... If this situation occurs, immediate actions should be taken to prevent this from becoming recurrent or to teach students that there will always be consequences." — Parneet K., age 15

"Schools play an essential role in regulating students' behavior. If a student posts something that is generally considered inappropriate ... the school should discipline the student. ... By making cyberbullies realize the severe consequences of their actions, schools can effectively stop the cycle of bullying. Schools shouldn't be just about learning math and English. A good school should teach its students to behave well, both in an intellectual sense and a moral sense." — Kongyang Z., age 1

**Respond:**

* **Explain freedom of speech.**
* **Explain social media?**
* **Using evidence from this text, explain how social media can be used for good.**
* **Using evidence from this text, explain the roll of schools in regulating student behavior.**
* **Using evidence from this text, build an argument for or against schools disciplining students for their off campus use of social media.**