

Mahanoy Area School District v. B.L.

Facts

- B.L., a student from Mahanoy Area High School (MAHS), wasn't selected for the varsity cheerleading team but instead made the JV team. Being off campus at a nearby convenience store, she posted a snap on social media expressing her disappointment with the school and the cheerleading team using vulgar language. "f*ck school, f*ck softball, f*ck cheer, f*ck everything." The post was shared among many MAHS students, including members of the cheerleading team, who reported it to the coach out of concern. The coach subsequently suspended B.L. for violating team and school rules. B.L. then sued the school, claiming that her suspension from the team violated her First Amendment rights and that the school and team rules were unconstitutionally vague.

Issue

- Does the First Amendment prohibit public schools from regulating off-campus student speech?

Holding

- While the First Amendment does not entirely prohibit public school officials' from regulating off-campus student speech. In this particular case, the school district's action of suspending B.L. from the cheerleading team due to her posting of vulgar language and gestures critical of the school on social media violates the First Amendment.

Decision- Majority of the court agreed, Justice Breyer delivered the (8-1) opinion of the court.

Breyer



FREEDOM OF SPEECH

Alito



- "Students have the right to express unpopular ideas on public issues;.. public schools have the duty to educate students that freedom of speech including unpopular speech,. essential to our form of self-government"
- Brings up Tinker, expression can not be suppressed unless it "involves substantial disorder or invasion of the rights of others"
- How *in loco parentis* doesn't apply in this case, doesn't gives the school officials the authority to regulate students off campus speech. .

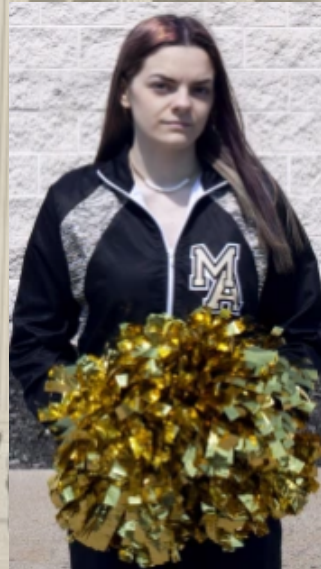
Gorsuch



Thomas



- Viewed the school as having *in loco parentis* authority, "A school can regulate speech when it occurs off campus so long as it has a proximate tendency to harm the school, faculties or students, and programs"
- Mentioned Lander test, focusing on the effect of the speech not its locations.
- Urged for the court to make a concrete foundation since the majority ignoring the doctrine made in Tinker.
 - giving more not less authority for off campus speech.



Impact of the Impact:

- Upheld student free speech right
- Decline to extend Tinker to any off-campus speech.
- Range of power school officials may have to regulate off campus speech, the possibility that some student speech outside of school may be punished by the school.
- Off campus speech is like any other speech from the public

Evaluation:

- Freedom of speech, 1st attempt for a public school's attempt to regulate off campus student speech
- School should be teaching them that unpopular speech still must be protected.
- Student Interest v. School Interest. - Was there a threat to campus safety or disruption took place?
- If the court gave school the power to regulate off campus speech, they would deny student any free speech right at all.