



The Case of the Snapchatting Cheerleader

The Facts of Mahanoy Area School District v. B.L.:

B.L. (because she is a minor defendant, her identity is kept confidential by the courts) is a student at Mahanoy Area High School. She tried out for the varsity cheerleading squad and failed to make it. Out of disappointment B.L. snapchatted, using her own photo, along with a curse word to describe her feelings towards "school, softball, cheerleading, and everything." She did this over a weekend, away from school, and did not use any school owned equipment. Roughly 250 people saw the Snapchat, some of whom were on Mahanoy's cheerleading squad. Student cheerleaders shared the Snapchat with their coaches, who decided that B.L. did not act in accordance with team and school rules. She was suspended from the cheerleading team for one year. B.L. sued her school district, claiming the school district violated her First Amendment free speech rights. A U.S. district court agreed, as did the U.S. Court Appeals. Lawyers for the school district **appealed** to the U.S. Supreme Court.



On January 8, 2021, the U.S. Supreme Court granted a **writ of certiorari** in Mahanoy Area School District v. B.L.. The Court granted certiorari citing as precedent the U.S. Supreme Court decision *Tinker v. Des Moines Independent School District* (1969). In that case, the U.S. Supreme Court ruled that public school officials violate students' First Amendment free speech protections when they are disciplined for their non-disruptive speech in school. The U.S. Supreme Court decided to use the *Tinker* precedent even though B.L.'s Snapchat use did not occur on school grounds.

The **question** the Supreme Court is being asked to address is "whether *Tinker v. Des Moines Independent Community School District*, which holds that public school officials may regulate speech that would materially and substantially disrupt the work and discipline of the school, applies to student speech that occurs off campus."

Supreme Court Precedents Used In This Case:

- *Tinker v. Des Moines Independent School District* (1969): The Court ruled schools may limit student speech only if it disrupts substantially the learning of other students.
- *Bethel School District No 403 v. Fraser* (1986): The Court ruled schools may limit student speech when it contains vulgar and/or offensive language.
- *Hazelwood School District v. Kuhlmeier* (1988): The Court ruled schools may limit student speech, when it is associated with a school event or activity, that someone might consider to represent the viewpoint of the school.
- *Morse v. Frederick* (2007): The Court ruled student speech may be restricted when it promotes the illegal drug use, something schools would have an interest in preventing.

To Think and To Do: The First Amendment's free speech protections are not absolute and the precedent cases identified above highlight this view of the Court. Given your understanding and the conditions under which the Court has ruled that schools may limit student speech, how do you think the Supreme Court will rule in this case? Explain.

Learn MORE about this case, view the [Third Circuit Court of Appeals Opinion](#).

CAUTION: Strong language is used in the background section of the document.

