

December 20, 2016

Carmel Clay Schools
Superintendent Dr. Nicholas D. Wahl
Principal John Williams
5201 E. Main Street
Carmel, IN 46033

By electronic mail: jwilliam@ccs.k12.in.us, nwahl@ccs.k12.in.us

Dear Superintendent Wahl and Principal Williams,

On behalf of the Youth Free Expression Program, an initiative of the National Coalition Against Censorship that promotes minors' First Amendment rights, I write to address an incident in which administrators at Carmel High School allegedly removed a poster created by Carmel Teens for Life and advocating anti-abortion ideas. The removal of the poster raises concerns about viewpoint discrimination and Carmel Clay Schools' commitment to guaranteeing its students' rights to free expression.

While Carmel Teens for Life and school administrators disagree as to whether the group had permission to display the poster, attorneys for Carmel Teens for Life claim that the poster was removed only after students complained it was "offensive." Members of Carmel Teens for Life also allege that the administration has not taken down potentially controversial political signs posted by other student organizations such as a pro-LGBT group.

While a school may follow a viewpoint-neutral policy of approving student posters for display, school administrators may not remove or refuse permission to display a poster only because of its real or perceived potential to offend. Indeed, if offense were used as a justification to suppress political expression, discussions on polarizing societal issues such as immigration, terrorism, religion, contraception, marriage, and race would be purged from our high schools. Suppressing such discussions would undermine one of the core goals of public education: to encourage civic engagement and develop students' critical-thinking skills.

Courts have long recognized that students have the right to express their political views in public school so long as they do so in a non-disruptive manner; students do not "shed their constitutional rights to free speech or expression at the school-house gate" *Tinker v. Des Moines Independent Community School Dist.* (1969). In general, student political expression may only be restricted if administrators reasonably believe it will disrupt the educational activities of the school or if the speech is "vulgar and lewd" *Bethel School District v. Fraser* (1986). It is clear that the pro-life poster does not satisfy these requirements for restriction; its imagery can in no way be deemed "vulgar," nor

Joan E. Bertin
Executive Director

NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association
American Association of
School Administrators
American Association of
University Professors
American Association of
University Women
American Booksellers for Free
Expression
American Civil Liberties Union
American Ethical Union
American Federation of Teachers
American Jewish Committee
American Library Association
American Literary Translators
Association
American Orthopsychiatric Association
American Society of Journalists &
Authors
Americans United for Separation of
Church & State
Association of American Publishers
Authors Guild
Catholics for Choice
Children's Literature Association
College Art Association
Comic Book Legal Defense Fund
The Creative Coalition
Directors Guild of America
The Dramatists Guild of America
Dramatists Legal Defense Fund
Educational Book & Media Association
First Amendment Lawyers Association
Free Speech Coalition
International Literacy Association
Lambda Legal
Modern Language Association
National Center for Science Education
National Communication Association
National Council for the Social Studies
National Council of the Churches
National Council of Jewish Women
National Council of Teachers of English
National Education Association
National Youth Rights Association
The Newspaper Guild/CWA
PEN American Center
People For the American Way
Planned Parenthood Federation
of America
Project Censored
SAG-AFTRA
Sexuality Information & Education
Council of the U.S.
Society of Children's Book Writers
& Illustrators
Student Press Law Center
Union for Reform Judaism
Union of Democratic Intellectuals
Unitarian Universalist Association
United Church of Christ
Office of Communication
United Methodist Church,
United Methodist Communications
Women's American ORT
Woodhull Sexual Freedom Alliance
Writers Guild of America, East
Writers Guild of America, West

does its promotion of adoption as an alternative to abortion represent an inherent disruption of school activities.

While administrators have the right to implement reasonable time, place, and manner restrictions on student speech in school, they should apply such restrictions fairly and in a viewpoint-neutral manner. We hope that Carmel Clay Schools will take measures to ensure that its policy regarding student displays is clear and that student political expression is not censored simply because it offends observers.

As a final matter, we note that attorneys for Carmel Teens for Life have claimed school administrators demanded that the students “sign an agreement that they would not seek outside legal counsel or parental input, that they would have to receive prior approval for ‘all communications,’ and that they not use the word ‘abortion’ in any communications, including Facebook.” Such an attempt to prevent students from discussing, outside of school, an issue about which they are deeply passionate is of grave concern. We hope the demand, if true, is immediately reconsidered.

Please do not hesitate to reach out if we can be of any assistance in this matter.

Sincerely,

A handwritten signature in black ink, reading "Svetlana Mintcheva". The signature is written in a cursive style with a large, sweeping initial 'S'.

Svetlana Mintcheva, Director of Programs
National Coalition Against Censorship