

NATIONAL COALITION AGAINST CENSORSHIP

Mr. Gabe Carmona, Principal
North Paulding High School
300 N. Paulding
Dallas, Georgia 30132

Dear Mr. Carmona,

As organizations dedicated to protecting the First Amendment right of free expression, we are deeply concerned by recent news reports that at least two students at North Paulding High School have been severely disciplined for circulating a photo of a crowded hallway, raising awareness of concerns they have regarding the health and safety of themselves and their peers as they return to school during a global pandemic. We are further disturbed by reports that an announcement was made over the school intercom cautioning specifically against casting the school in a negative light and sharing information with the news media. These actions raise serious First Amendment issues, which are only exacerbated by the lasting concerns students and teachers may have about their health and safety this school year.

In its landmark *Tinker* decision, the U.S. Supreme Court made clear that students in school have important First Amendment rights that protect their ability to talk about and share information with others, particularly about matters of public concern. "Students in school, as well as out of school," the Court said, "are 'persons' under our Constitution. They are possessed of fundamental rights which the State must respect...." *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 511 (1969).

Under *Tinker* – the law of the land for more than 50 years – school officials can only restrict non-school-sponsored student speech that takes place on school grounds when the speech is unlawful or seriously disruptive to normal school activities. This photo falls into neither of those categories.

While the school district's policy against the use of cellphone and other telecommunications devices - which itself raises significant Constitutional concerns - denotes as "inappropriate material" any speech that "causes disruption to the District, its employees or students," the student's speech in this case was itself not disruptive. Rather, the photo in question accurately shows the condition of the hallways at NPHS at the time the photo was snapped. If this exact photo were distributed in any other moment it would raise no concerns at all. The scene it depicts is, for better or worse, now a normal school day at NPHS in 2020.

That at least one student was reportedly given a five day out-of-school suspension

when the school district's own discipline policy calls for a progressive discipline structure starting with administrative conference or in-school suspensions indicates that it is the content of the photo, and not the students' alleged conduct violation, that is considered inappropriate to the school. This is underscored by the subsequent warning given over the intercom system "there will be consequences for anyone who sends things out" that shows the school in a negative light.

While we understand that emotions around school reopening decisions are charged and that you have faced significant criticism for decisions outside of your control, students, teachers and staff nevertheless have the right to speak accurately and lawfully about their school day, even when that speech may be unflattering to the school. Instead of addressing these concerns, NPHS has sought to impose harsh penalties against those who speak out and chill the speech of others who may have similar concerns. Unconstitutionally prohibiting students from speaking about the conditions of the school does not change the conditions of the school or the concerns they have; it only fosters mistrust and fear. This seems all about shooting the messengers. The reality is that it's 2020 and those messengers with their new speech tools aren't going away.

We ask that you reaffirm NPHS's commitment to protecting the First Amendment rights of students and teachers by rescinding any and all suspensions relating to the posting or sharing of this or similar photographs and publicly committing to amend the school district's policy restricting student speech which contravenes the well-established Tinker standard. We would be happy to assist you in revising this policy to ensure that it complies with the law.

Thank you for your time and attention to this matter. We look forward to your response.

Warmest regards,

A handwritten signature in black ink that reads "Chris Finan". The signature is written in a cursive, flowing style.

Christopher Finan
Executive Director
National Coalition Against Censorship

cc: Dr. Brian Otott, Superintendent
Paulding County Board of Education

NCAC.ORG