

NATIONAL ██████
██████ COALITION
AGAINST ██████
██████ CENSORSHIP

YOUTH
FREE
EXPRESSION

April 19, 2021

Superintendent Todd Strom
South Sioux City Community Schools
210 W. 39th Street
PO Box 158
South Sioux City, NE 68776

Dear Superintendent Strom:

The National Coalition Against Censorship is a coalition of national nonprofit groups dedicated to protecting the First Amendment rights of K-12 students, teachers, and staff. We are writing in regard to your recent “important video message from Mr. Strom,” which was published on the district’s website on April 14, 2021.

In that message, you state:

All protests, walkouts, and demonstrations shall be forbidden in the schools and on school grounds. Students who engage in any protests, walkouts, or demonstrations may be subject to disciplinary consequences.

This blanket ban on “all” protests is a violation of your students’ clearly established First Amendment rights. More than fifty years ago, in *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), the Supreme Court established that students have the right to protest on school grounds, and that schools may not forbid such protests, nor punish students for engaging in such protests, unless the protests are conducted in a manner which threatens to *substantially* disrupt the activities of the school.

We would also note that the Supreme Court’s recent decision in *Uzuegbunam v. Preczewski*, 592 U.S. ____ (2021) exposes school districts to substantial liability for students’ attorneys fees when students successfully challenge speech restrictions, even when the students suffer no actual damages in addition to the deprivation of First Amendment rights themselves.

Therefore, we ask that you clarify to your students and the community that students have the right to protest in a manner that does not substantially disrupt school, and that no student will be punished for engaging in such protest.

Thank you for your attention to this important issue.

Sincerely yours,

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: Board of Education, South Sioux City Community Schools