

**NATIONAL
COALITION
AGAINST
CENSORSHIP**

**YOUTH
FREE
EXPRESSION**

November 18, 2021

Board of Education Members
Hillsborough Township Public Schools
379 South Branch Road
Hillsborough, NJ 08844

Re: Removal of student poster

Dear Board Members:

As an organization dedicated to promoting free speech, including freedom of artistic expression, we were deeply concerned to learn that a student's poster was removed from a display at Hillsborough Middle School because of apparent disagreement with the political views it expressed. This silencing of student expression based purely on dislike of its viewpoint is inconsistent with freedom of expression principles and violates the public school's First Amendment obligations. We strongly urge the district to return the poster to public display, apologize to the student and take steps to ensure that similar acts of censorship do not occur in the future.

It is our understanding that the student's poster depicted a raised fist labeled "Black Lives Matter" superimposed over the names of individuals who were victims of police violence along with the caption, "Stop Police Brutality Now." The poster was reportedly one item in a larger display that included books on African American history, biographies, album covers, photographs and other items reflecting African American culture, art, history, and experience with oppression (i.e. slavery, segregation, civil rights movement, etc.). The display, which was set up in three showcases and a bulletin board in a central hallway of the school, was assembled by a recognized student group at the school.

The removal and possible destruction of the students' work raises serious First Amendment concerns. Our courts have time and again reaffirmed that the First Amendment prohibits public school officials from censoring student speech, including student artistic expression, merely because they find it offensive or provocative. More than fifty years ago, in *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), the Supreme Court declared that students have the right to speak on school grounds as long as they do not substantially disrupt the activities of the school. The Court reconfirmed that principle mere months ago in *Mahanoy Area Sch. Dist. v. B. L.*, 594 U.S. ___, 141 S. Ct. 2038 (2021). Mere disagreement with student speech obviously doesn't meet that standard.

Nor did the poster fall within any of the other narrow exceptions to student freedom of speech, such as profane speech, or speech which advocates illegal drug use. Finally, the poster was almost certainly not school-sponsored speech. Even if it was, its removal was improper because schools may control the content of school-sponsored speech only “so long as their actions are reasonably related to legitimate pedagogical concerns.” *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 271 (1988). Censoring student speech because some people disagree with the political views expressed therein does not fall within that exception. *Collins v. Putt*, 979 F. 3d 128, 135 (2nd Cir. 2020) [“Our Circuit has held that school-sponsored speech may not be regulated in a viewpoint discriminatory manner ‘even if [doing so] is reasonably related to pedagogical concerns.’”].

It is our understanding that the entire display had been up since the beginning of the school year and has recently been taken down as part of the standard rotation of student projects and displays, so that it is too late to restore the censored poster to the display. However, we urge the District to apologize to the student who created the poster and find an opportunity to display it in the school for the originally intended duration. To avoid the recurrence of such incidents in the future, we urge the district to instruct its employees on the free expression rights of students and to take further steps to ensure that those rights will be respected in the future.

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