

# NATIONAL COALITION AGAINST CENSORSHIP

February 1, 2022

Board of Education Members  
Clarke County School District  
595 Prince Avenue  
Athens, GA 30601

Re: Removal of student artwork

Dear Board Members:

As an organization dedicated to promoting free speech, including freedom of artistic expression, we were deeply concerned to learn that student artwork was removed from display at Oglethorpe Avenue Elementary School. It is unclear to us whether the artwork was removed because administrators disagreed with the social views expressed therein, or whether it was removed because administrators disapprove of any student expression of political or social views. In either case, this silencing of student expression is inconsistent with freedom of expression principles and violates the public school's First Amendment obligations. We strongly urge the district to return the artwork to public display, apologize to the student and take steps to ensure that similar acts of art censorship do not occur in the future.

It is our understanding that an assistant principal ordered a teacher to remove student works of art related to LGBTQ issues. The removal of the students' work raises serious First Amendment concerns. 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 art works appear to 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 works were almost certainly not school-sponsored speech, since it is our understanding that the art works were produced by students on their own time, and not as part of a school assignment. Moreover, even if the works constituted school-

## NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association  
AICA-USA  
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 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  
Freedom to Read Foundation  
Global Alliance for Behavioral Health and Social Justice  
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 NewsGuild-CWA  
PEN America  
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

sponsored speech, their 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 views expressed therein does not fall within that exception. *Bannon v. School Dist. of Palm Beach County*, 387 F. 3d 1208, 1215 (11th Cir. 2004) [“We agree with Appellant that *Hazelwood* does not allow a school to censor school-sponsored speech based on viewpoint.”].

Therefore, we urge the District to apologize to the students who created the artworks, and to restore them to the display. 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