



U.S. Supreme Court Issues Ruling in Off-Campus Student Speech Case

On June 23, 2021 the U.S. Supreme Court issued its decision in *Mahanoy Area School District v. B.L.*, https://www.supremecourt.gov/opinions/20pdf/20-255_g3bi.pdf, addressing school districts' ability to regulate off-campus student speech. As we previously reported, the case involved a Pennsylvania High School cheerleader who was removed from the team for posting an expletive-laden rant on Snapchat, over a weekend, blasting the cheerleading program because she did not make varsity. A lower federal appeals court ruled, for the first time, that school districts have no authority to discipline students for off-campus speech, even if it is disruptive to the school community. Yesterday's ruling, the Court agreed that school districts are less likely to have legitimate reasons to regulate speech that occurs off-campus, but stopped short of endorsing the lower court's broad rule. The Court cited several examples of off-campus or online expression that districts may well have the right to deal with, including harassment, intimidation or bullying, but left it to the lower courts, for now, to deal with these issues on a case-by-case basis.

David Rubin of our firm represented a national coalition of anti-bullying groups in the case, arguing that whatever rule the Court ultimately adopted, it should leave districts free to regulate off-campus or online bullying which invariably impacts students' in-school experience. We are gratified that the Court accepted our argument as the case has significant implications for the enforceability of New Jersey's Anti-Bullying Bill of Rights Act which not only permits, but requires districts to address bullying that occurs off-campus

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