

**Ingham County Bar Association
Law Day 2008**

Essay Contest for Middle School Student (Grades 6, 7, 8)

Please read the following scenario and answer the “should” question at the bottom following the essay contest guidelines.

Characters: Britney (bad girl)
Kevin (Britney’s boyfriend)
Lynnette (Britney’s mom)
Mr. Guest (school principal)
Mr. Strongarm (school board president/attorney and Kevin’s father)
Nancy Graceful (school’s attorney)

Scenario: Britney’s school, Beverly South High School (BSHS), is allowing laptops to be checked out for a computer science project. Each student is assigned a laptop for one week that is owned and maintained by the school. Britney signs the acceptable use policy developed by the school (see below). She takes her assigned laptop and goes to the Chocolate Chip Coffee House to work on her project. At the coffee house, she accesses the public wireless network and logs onto her MySpace account using her screen name of “Killa’ Blond.”

Rather than working on her school project, she logs onto her bulletin board and posts the following message which gets copied to her boyfriend, Kevin (screen name: FastFoodAdKing) and several of her BSHS classmates:

“BSHS is just that. The teachers at this school are a bunch of freakin nut cases. I wish 50 Cent would blow through the halls and light this joint up with his ‘gunz of steel’. Git rich or die tryin’ yo.”

The next day, the school principal, Mr. George Guest, receives a phone call from school board president and local attorney, Mr. Louis Strongarm who viewed the message on his son, Kevin’s computer. Mr. Strongarm tells the principal that Britney must be suspended for violating the school’s code of conduct and acceptable use policies.

Britney is suspended for 10 days which also results in her missing the BSHS “So You Think You Can Dance? Talent Show” which she was heavily favored to win.

Lynne, Britney’s mom, sues on Britney’s behalf for violation of Britney’s First Amendment Rights. When Britney posted her message she was referring to 50 Cent’s incredibly sculpted arms. Further, it was behavior

that took place outside of school. Moreover, she did not direct her comments to any particular teacher.

The school responds by relying upon the student handbook because Britney's message violated the code of conduct by threatening the safety of students and teachers, and was derogatory towards the staff. The school board hires Nancy Graceful to defend the suit.

Acceptable

Use Policy:

The undersigned student, _____, agrees that the Dell Latitude D505 #3A provided to her is the property of Beverly South High School (BSHS) and is to be used responsibly and consistent with all terms of the BSHS student handbook.

Signed:

Dated:

Student

Handbook:

Students participating in this essay contest may refer to their own student handbook for policies applicable in their school and school district and reference same in their essay.

Applicable

Cases:

Frederick v Morse, 439 F3d 1114 (9th Cir 2006), *cert granted*, 127 S Ct 722 (US Dec 1, 2006) (No. 06-278).

Tinker v Des Moines Indep. Cmty. Sch. Dist., 89 S Ct 733 (1968).

Bethel Sch. Dist. No. 403 v Fraser, 106 S Ct 3159 (1986).

Hazelwood Sch. Dist. v Kuhlmeier, 484 US 260 (1988).

Should

Question:

Should a student be suspended or disciplined for messages posted on social networking sites like MySpace or Facebook outside of school hours? Even if the messages threaten harm to students or staff?