# Fictional Scenario

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| ***Hazelwood* Meets *Mahanoy***  Student Clashes with School Over First Amendment Issues |

Swarm is a new app that combines all the feeds of a user’s online accounts into a single stream of news, shopping, sports, entertainment, and social media. Swarm becomes the most popular download in app stores almost overnight. Data shows that teen users come to rely on it as their primary online source for social connections and schoolwork as well as warnings of severe weather and school safety threats.

At Brookside High School, students use Swarm for academic and other purposes from pooling notes and study guides to shopping during class. However, one day, a rumor is posted that basketball players and soccer players at Brookside High are betting on which team will win more games this year. The rumor gets boosted and displayed to all Swarm users. The next day, an argument breaks out between the basketball and soccer players in the hallway. A crowd gathers that could have prevented some students from getting to their classes on time. Fearing that students may resort to violence, Principal Max Newport calls police to the scene.

Shortly after the hallway argument, the Brookside school board bans student use of the Swarm app on campus for any purpose. The board also bans off-campus use when the posts are school-related. The board decides that suspension is the appropriate consequence for violating the school policy—the same punishment students receive when they are found with contraband. Newport explains the school is responsible for maintaining an orderly learning environment and the hallway incident demonstrated that Swarm is disruptive. He also shares his concern that youthful indiscretions captured on Swarm could follow students throughout their lives and jeopardize their educational and career opportunities.

At Brookside High, it is standard practice for the principal to review and approve student-generated content to ensure that articles posted on the school’s website follow school policy and editorial standards, which require articles to be “school related and in good taste.” Student Lane Peters writes an opinion piece for the school’s online newspaper *The Brookside Beat* arguing that the Swarm ban violates students’ First Amendment rights because it suppresses free speech and expression. The principal informs *The Beat’s* editorial board that he will not permit Lane’s piece to be posted on the school’s website.

When *The Beat* is published without Lane’s commentary piece, Lane goes to a local coffee house after school with friends and posts a meme on Swarm with an unflattering picture of Newport holding a duct taped phone and the caption: “Principal Duct Tape.” Along with the meme, Lane posts several critical statements about Newport. Lane sets the post privacy function to “public” so that anyone who searches Max Newport or Principal Max Newport online can view it. When Newport learns of Lane’s post, he suspends Lane.

Lane’s family sues the principal and the school board, arguing they violated Lane’s First Amendment right to free speech both by suppressing Lane’s commentary piece on the school’s website and by punishing Lane for posting on Swarm. The school district and the principal argue that their actions did not violate the First Amendment and were necessary to maintain a safe and orderly learning environment.