NATIONAL COALITION AGAINST CENSORSHIP

YOUTH FREE EXPRESSION

September 8, 2023

School Committee
Somerset Public Schools
580 Whetstone Hill Rd
Somerset, MA 02726

Dear Members of the School Committee,

The National Coalition Against Censorship is an alliance of national nonprofit groups dedicated to protecting freedom of expression, including the rights of K-12 students, teachers and staff. We are writing to recommend changes to the Somerset Elementary Schools Student/Parent Handbook, which unduly limits students' freedom of expression.

A recent addition to the handbook includes a very strict requirement that "Any discussion of weapons (guns/knives/etc.)... [is] not acceptable in school." This provision is clearly unconstitutional.

As you know, the Supreme Court declared in *Tinker v. Des Moines Independent Community School District,* 393 U.S. 503 (1969), that school officials may not censor students' speech unless it substantially disrupts school activities. Recently, the Court reaffirmed this principle in *Mahanoy Area Sch. Dist. v. B. L*., 594 U.S.__, 141 S. Ct. 2038, (2021). Just last year, the Seventh Circuit ruled that under *Tinker* it was unconstitutional for schools to prohibit students from wearing clothing depicting firearms. *NJ v. Sonnabend*, 37 F. 4th 412 (7th Cir. 2022). Therefore, this new rule is clearly a violation of your students' free expression rights.

In addition, the rule is overbroad because it seems to prohibit the discussion of many political topics such as gun control as well as historical discussions related to the American Revolution, the Crusades, the Civil War, the World Wars, and other topics.

While the school can discipline students who directly threaten others, the provision, as written, goes far beyond that to suppress fully protected student speech. Therefore, we urge you to delete this provision in your handbook and ensure that students' free expression rights are respected.

Thank you for your attention to this important issue.

Sincerely yours,

Christine Emeran
Youth Free Expression Program Director
National Coalition Against Censorship