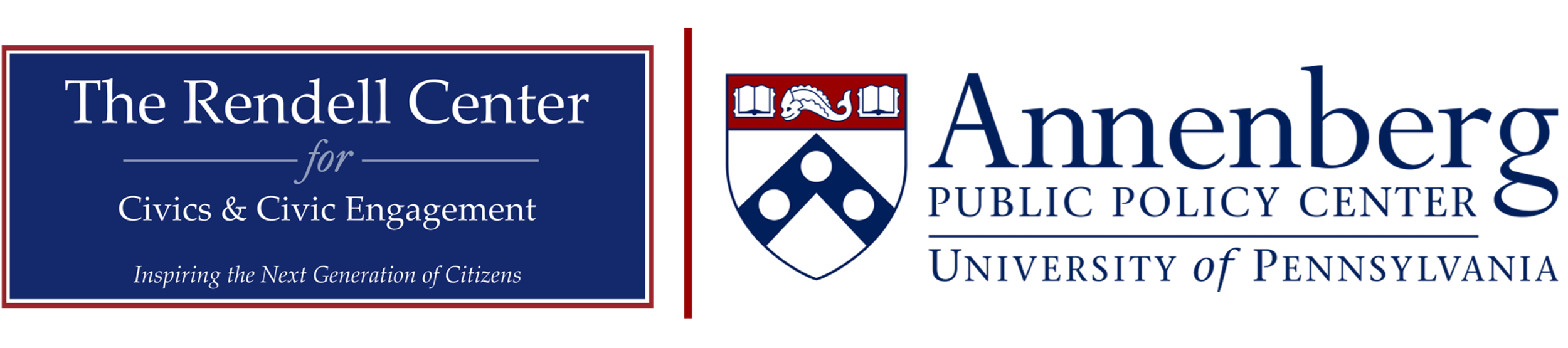
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**Moot Supreme Court**

**FACT PATTERN**

Background

This moot court case arose from the actions of the Parks High School in Pennsylvania, whose school administration decided to ban *Rateez*, a phone application that allowed students to have more say in school decisions, such as what type of food to serve at lunch. Initially, *Rateez* seemed to promote student engagement, but it soon spiraled into a digital popularity contest. Parks High students and teachers then began using *Rateez* to rate one another on a 10-point scale based on popularity, baseball skills, intelligence, physical appearance, or any other arbitrary criteria.

Over time, *Rateez* became an obsession at Parks High. Students constantly checked their rankings, and friendly competition quickly escalated into a toxic environment. Teachers reported that class participation had plummeted, with students more focused on maintaining high ratings than on schoolwork. Lunch tables were reorganized by rating status, friendships were tested, and social cliques hardened. A wave of anxiety gripped the school—those with ratings below 7.5 felt ostracized, while those rated highly feared the humiliation of a sudden drop. Some students even resorted to bribing or pressuring others to boost their scores.

The administration, alarmed by *Rateez’s* impact on school culture and student well-being, enacted a sweeping policy banning the use of the app. The policy applied both on- and off-campus, with violators facing suspension or even expulsion. The administration justified this sweeping measure by citing the need to protect students’ mental health and maintain school order.

Despite this policy, A.J. Walker, a tenth-grade student at Parks High, continued using *Rateez* in a way that he saw as entertaining but others found humiliating. One afternoon, while at Brewster’s Café, a local coffee shop frequented by Parks High students, A.J. redownloaded the app on his phone and started going through his female classmates’ profiles. He rated each one on a 1-10 scale for attractiveness, leaving explicit and demeaning comments on the profiles of girls he rated 9 or higher. As A.J. sat in the café, several other students gathered around his table, laughing and reacting to his ratings. Some students encouraged him, while others objected. At least one student recorded the interaction and shared it in a group chat, causing A.J.'s rankings and comments to spread rapidly. By the time school started the next day, almost everyone had seen A.J.'s rankings.

While most students ignored A.J.’s actions on *Rateez*, several female students complained to the school administration. Two students, having been ranked very poorly, took a leave of absence from school. A.J. was then suspended from school for two weeks. He and his parents sued the school district, alleging that school administrators had violated his First Amendment rights.

Decisions by the Supreme Court of the United States have held that almost all the provisions of the Bill of Rights, designed originally only to limit the federal government, now restrict state governments as well. The same Supreme Court, however, has not automatically ruled that the guarantees of the Bill of Rights apply in the same way or, in some cases, at all to juveniles. The question, therefore, is how the guarantees of the Bill of Rights affect the ability of public school officials to discipline students in public schools.

In terms of the First Amendment’s guarantee of free speech, the case of *Tinker v. Des Moines Independent School District* (1969),[[1]](#footnote-1) constitutes an important benchmark. In *Tinker*, five students in Des Moines, Iowa, decided to wear black armbands to school in protest of the Vietnam War and were suspended by the School District as a result. The children and their parents brought suit in federal court challenging their suspension as a violation of their First Amendment right to freedom of speech. The Supreme Court held that students entering public school property do not forfeit their First Amendment free speech rights. Writing for a seven-member majority, Justice Abe Fortas held that “[t]he wearing of an armband for the purpose [of opposing the war in Vietnam] . . . is the type of symbolic act that is within the Free Speech Clause of the First Amendment. . . . It [is] closely akin to ‘pure speech’ which, we have repeatedly held, is entitled to comprehensive protection under the First Amendment. . . . [The wearing of the armband] does not concern aggressive, disruptive action. . . . There is here no evidence whatever of petitioners’ [the Tinkers] interference, actual or nascent, with the schools’ work or of collision with the rights of other students to be secure and to be let alone. . . . [T]he prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with schoolwork or discipline, is not constitutionally permissible.” Thus, in order to justify the suppression of speech, the school officials must be able to prove that the conduct in question would “materially and substantially interfere” with the operation of the school; a high standard.

Subsequent decisions, however, have upheld the right of school authorities to suspend a student in a number of circumstances. First, in *Bethel School District No. 403 v. Fraser* (1986),[[2]](#footnote-2) Matthew Fraser, a high school senior, was suspended for two days by the School District after he gave a speech at a school assembly of 600 high schoolers supporting his friend’s candidacy for a student government position. Some in the audience believed Fraser’s speech was a graphic sexual metaphor and full of sexual innuendos. Fraser brought suit in federal court challenging his suspension as a violation of his First Amendment right to freedom of speech. The Supreme Court held that school officials may properly punish student speech with suspension if they determine that speech to be lewd, offensive, or disruptive to the school’s basic educational mission. Writing for the seven-member majority, Chief Justice Warren Burger distinguished between political speech which the Court previously had protected in *Tinker* and the supposed sexual content of Fraser’s speech at the assembly. The Court concluded that the First Amendment did not prohibit schools from prohibiting vulgar and lewd speech since such discourse was inconsistent with the “fundamental values of public school education.”

Next, in *Hazelwood School District v. Kuhlmeier* (1988),[[3]](#footnote-3) Cathy Kuhlmeier and two other students were staff members on Spectrum, the school newspaper at Hazelwood East High School. During the spring semester, the school principal reviewed a draft of the newspaper containing two articles on the topics of teen pregnancy and divorce and found them to be inappropriate. The principal ordered that the two articles be withheld from publication. Kuhlmeier argued that this decision violated her First Amendment rights to freedom of speech and brought suit against the School District. The Supreme Court held that educators did not violate the First Amendment by exercising editorial control over the content of student speech so long as their actions are “reasonably related to legitimate pedagogical concerns.” In a 5-to-3 decision authored by Justice Byron White, the Court determined that schools must be able to set high standards for student speech disseminated under their supervision, and that schools retained the right to refuse to sponsor speech that “might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized social order.” Thus, the principal’s decision represented a legitimate pedagogical concern, and the student’s First Amendment rights, under *Tinker*, were not violated.

In *Morse v. Frederick* (2007), Joseph Frederick, a high school senior, was suspended by the principal (Deborah Morse) for ten days after he displayed a large banner reading “Bong Hits 4 Jesus” at a school-supervised off-campus event. Morse justified her decision by citing the school’s policy against material that promotes the use of illegal drugs. Fredrick sued, claiming a violation of his First Amendment right to freedom of speech. Fredrick lost in the district court, but the Ninth Circuit reversed, holding that under *Tinker*, student speech was protected except where the speech would cause a disturbance. On appeal, the Supreme Court reversed, holding that *Tinker* does not extend to this case and school officials may prohibit student speech that can reasonably be interpreted as promoting illegal drug use. Writing for a 5-4 majority, Chief Justice John Roberts held that Frederick's message, though “cryptic,” was reasonably interpreted as promoting marijuana use. The Court also stated that the free speech rights of public school students are not as extensive as those adults normally enjoy, and that the highly protective standard set by *Tinker* would not always apply. Ultimately, determinations about when speech is disruptive to the school’s work or mission are largely left to the school board.

Most recently, in *Mahanoy Area School District v. B.L.* (2021), a ninth-grade student, B.L., was suspended from the junior varsity cheerleading team after posting on Snapchat a selfie of herself and her friend extending their middle fingers with the caption, “F\*\*k school, f\*\*k softball, f\*\*k cheer, f\*\*k everything.” The school had a rule that students must “have respect for [their] school, coaches . . . [and] other cheerleaders” and avoid “foul language and inappropriate gestures,” including in off-campus settings. Another school rule prohibited cheerleaders from posting negative information about cheerleading on the internet. Writing for an 8-1 majority, Justice Stephen Breyer held that *Tinker* was too broad and that schools may have a legitimate interest in regulating some off-campus speech to prevent harassment and bullying. The Court did not provide a clear standard. Noting that “America's public schools are the nurseries of democracy,” Justice Breyer explained that public schools have a duty to protect the unpopular ideas of their students. Schools must also prevent “substantial disruption of learning-related activities or the protection of those who make up a school community.” Considering B.L.’s actions, the Court held that she had not caused a “substantial disruption” with her off-campus speech – her post went to a private circle of friends, was not targeted at any student, and did not mention the school. Even though B.L.’s speech may be considered offensive to some, the Court explained that “sometimes it is necessary to protect the superfluous in order to preserve the necessary.”

**ARGUMENT SHEET**

\_\_\_\_\_\_\_\_\_\_Before *Mahanoy School District*, six of the United States Courts of Appeals had heard cases similar to *Mahanoy*. Only the Third Circuit had found that student speech solely outside of school is not controlled by *Tinker.*

\_\_\_\_\_\_\_\_\_\_The Pennsylvania Supreme Court has held that school administrations have the authority to sanction off-campus speech that has a “sufficient nexus” to school activities.

\_\_\_\_\_\_\_\_\_\_Posts on Snapchat are not permanent and disappear relatively quickly.

\_\_\_\_\_\_\_\_\_\_With the increased emphasis on “virtual” schooling, there is really no wall between what goes on in the physical school and the activities of students outside school.

*\_\_\_\_\_\_\_\_\_\_Tinker,* while acknowledging that students do not give up their First Amendment rights when they are in school, did not equate the classroom to the public square.

\_\_\_\_\_\_\_\_\_\_In *Hazelwood School District v. Kuhlmeier,* the Supreme Court upheld the authority of a school to censor articles in the school newspaper.

\_\_\_\_\_\_\_\_\_\_Schools may regulate some off-campus student speech, but their authority is significantly diminished compared to on-campus speech.

\_\_\_\_\_\_\_\_\_\_Schools cannot impose a blanket rule against all off-campus speech, and courts must carefully balance school interests with students’ free expression rights.

\_\_\_\_\_\_\_\_\_\_Student speech that occurs off campus is generally entitled to greater First Amendment protection than speech that occurs within the school environment.

\_\_\_\_\_\_\_\_\_\_ The fact that speech is upsetting to some students or school staff does not, by itself, constitute a substantial disruption that would justify school regulation.

\_\_\_\_\_\_\_\_\_\_The First Amendment protects students’ rights to engage in unpopular speech, especially when expressed outside of school activities and hours.

**Trial Transcript: Walker v. Parks High School District**

**IN THE COURT OF COMMON PLEAS, PARKS COUNTY, PENNSYLVANIA**

**Judge:** The Honorable Jay Marshall  
**Plaintiff:** A.J. Walker, represented by Attorney James Pickering  
**Defendant:** Parks High School District, represented by Attorney Madison Wilson  
**Witnesses:**

* Principal Elizabeth Reynolds (for the defense)
* A.J. Walker (plaintiff)

OPENING STATEMENTS

**Judge Marshall:** We are here today to consider whether the Parks High School District violated A.J. Walker’s First Amendment rights when it suspended him for creating and spreading rankings of female students on the app *Rateez*. The court will hear arguments from both sides. Plaintiff may begin.

**Plaintiff’s Attorney (Pickering):** Your Honor, today we will show that Parks High School overstepped its authority by punishing A.J. for off-campus speech. His actions took place at a privately owned café, outside of school hours, on his personal phone. While the school may not have liked what A.J. posted, that does not mean they had the right to control his speech outside of school grounds. The First Amendment protects the rights of students, even when they express unpopular opinions.

**Defense Attorney (Wilson):** Your Honor, the school district acted well within its legal authority to discipline A.J. Walker. His actions directly targeted students at Parks High, caused substantial disruption within the school, and led to serious emotional distress for several students. His speech was not merely opinion—it was harmful, degrading, and contributed to a toxic school environment. Schools have a duty to protect their students, and we will prove that A.J.’s actions warranted disciplinary action.

PLAINTIFF'S CASE

**Plaintiff’s Attorney (Pickering):** The plaintiff calls A.J. Walker to the stand.

**Clerk:** Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

**A.J. Walker:** I do.

**Plaintiff’s Attorney (Pickering):** A.J., let’s start with the basics. Where were you when you redownloaded and used *Rateez* to create the ranking system at issue in this case?

**A.J. Walker:** I was at Brewster’s Café with some friends.

**Plaintiff’s Attorney (Pickering):** And is Brewster’s Café owned or operated by Parks High School?

**A.J. Walker:** No, it’s a regular café that a lot of students go to after school.

**Plaintiff’s Attorney (Pickering):** Did you ever access the app while physically on school property?

**A.J. Walker:** No. The school blocked the app, and I followed that rule.

**Plaintiff’s Attorney (Pickering):** So, the school punished you for something you did entirely off-campus, correct?

**A.J. Walker:** Yes, that’s right.

**Plaintiff’s Attorney (Pickering):** Thank you. No further questions.

**Judge Marshall:** Cross-examination?

**Defense Attorney (Wilson):** Yes, Your Honor.

**Defense Attorney (Wilson):** A.J., you stated that Brewster’s Café is a place where many Parks High students go. Would you say it’s a popular after-school hangout?

**A.J. Walker:** Yeah, it’s pretty popular.

**Defense Attorney (Wilson):** So, even though you weren’t on school property, you were in a location closely associated with your school community?

**A.J. Walker:** I guess so, yeah.

**Defense Attorney (Wilson):** Now, let’s talk about the rankings you made. Did you personally rate your female classmates based on their appearance?

**A.J. Walker:** Yes, but it was just a joke.

**Defense Attorney (Wilson):** A joke? Were the students who received the lowest scores laughing?

**A.J. Walker:** I mean, I don’t know how everyone felt.

**Defense Attorney (Wilson):** You left explicit and demeaning comments on the profiles of students you rated highly. Can you explain why?

**A.J. Walker:** It was just meant to be funny.

**Defense Attorney (Wilson):** Funny? Two students took a leave of absence from school due to distress caused by these rankings. Do you believe your actions contributed to that?

**A.J. Walker:** I didn’t mean for that to happen.

**Defense Attorney (Wilson):** Intentions aside, your rankings spread throughout the school, disrupted classes and led to student complaints. Do you deny that?

**A.J. Walker:** No, I know people talked about it.

**Defense Attorney (Wilson):** Thank you. No further questions.

DEFENSE'S CASE

**Defense Attorney (Wilson):** The defense calls Principal Elizabeth Reynolds to the stand.

**Clerk:** Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

**Principal Reynolds:** I do.

**Defense Attorney (Wilson):** Principal Reynolds, when did you first learn about A.J. Walker’s rankings?

**Principal Reynolds:** The morning after they were posted. By first period, nearly every student was talking about them. Teachers reported that students were visibly upset, some were crying, and others were distracted in class.

**Defense Attorney (Wilson):** Did the school receive any complaints?

**Principal Reynolds:** Yes. Several students and their parents came to my office to express concerns. Two students requested temporary leave due to the humiliation they experienced.

**Defense Attorney (Wilson):** In your professional opinion, did A.J.’s actions substantially disrupt the school environment?

**Principal Reynolds:** Without question. The rankings led to bullying, distraction in class, and emotional harm to multiple students.

**Defense Attorney (Wilson):** Thank you. No further questions.

**Judge Marshall:** Cross-examination?

**Plaintiff’s Attorney (Harper):** Yes.

**Plaintiff’s Attorney (Harper):** Principal Reynolds, A.J. was not on school property when he made these rankings, correct?

**Principal Reynolds:** That’s correct, but—

**Plaintiff’s Attorney (Harper):** Thank you. No further questions.

CLOSING ARGUMENTS

**Plaintiff’s Attorney (Harper):** The First Amendment exists to protect free speech, even when it’s unpopular. A.J. made these posts entirely off-campus, and the school had no authority to punish him. Schools cannot regulate all speech that happens off-campus, and the Constitution does not allow them to act as digital watchdogs.

**Defense Attorney (Wilson):** This case is not about free speech—it is about harassment and substantial school disruption. A.J.’s rankings directly harmed students, spread throughout the school, and created an unsafe learning environment. Schools have a duty to protect their students, and Parks High did exactly that.

JUDGE’S RULING

**Judge Marshall:** After reviewing the facts, the court finds in favor of Parks High School District. The school had a legitimate interest in disciplining A.J., as his actions substantially disrupted the educational environment. While the First Amendment protects student speech, it does not shield speech that targets and harms fellow students in a way that disrupts school operations. The suspension of A.J. Walker, therefore, did not violate his First Amendment right to freedom of speech.

**Court is adjourned.**

1. *Tinker v. Des Moines Independent School District*, 393 U.S. 503, 505-06, 508, 511 (1969). [↑](#footnote-ref-1)
2. *Bethel School District No. 403 v. Fraser*, 478 U.S. 675, 685 (1986). [↑](#footnote-ref-2)
3. *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260, 273 (1988). [↑](#footnote-ref-3)