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Southeastern Legal Foundation Supports K-12 Students' First Amendment Challenge

CINCINNATI, OH (Oct. 2, 2023): [Southeastern Legal Foundation](#) (SLF), joined by [Mountain States Legal Foundation](#) (MSLF), filed an [amicus brief](#) with the Sixth Circuit Court of Appeals urging it to uphold K-12 students' freedom of speech. Olentangy School District is attempting to censor students through various policies that will, among other things, force students to affirm their classmates' "preferred pronouns," even if they do not support the notion that there are more than two genders. Parents, represented by [Parents Defending Education](#), are [pushing back](#) against the school district's unconstitutional policies on behalf of their children.

SLF and MSLF explain in their [brief](#) that the First Amendment prohibits the government—including K-12 schools—from telling people what is right or true. Students retain broad First Amendment rights on school grounds. And when it comes to political and social issues, including debates about whether gender can be separated from biological sex, schools have no business telling students what to believe.

Yet the school district here is doing exactly that by banning students from using any language that could be seen as "insulting." This broad ban on so-called offensive speech means that students could be punished for failing to use a classmate's "preferred pronouns." SLF and MSLF explain in their [brief](#) that this is unconstitutional compulsion and a blatant First Amendment violation.

Director of SLF's [1A Project Cece O'Leary](#) states, "Under the school district's policies, students can be punished for sharing a joke, repeating something they heard on the news, or even singing along to a popular song. All it would take is for one classmate to find their words insulting and report them to administrators. The Sixth Circuit must strike down these unconstitutional policies."