

# ReedSmith

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VIA UPS NEXT DAY AIR

May 27, 2008

Gregory Kane  
Office of the Clerk  
U.S. Court of Appeals for the Third Circuit  
21400 U.S. Courthouse  
Independence Mall West  
601 Market Street  
Philadelphia, PA 19106-1790



**Justin Layshock, et al. v. Hermitage School District, et al.**  
Nos. 07-4465 & 07-4555

Dear Mr. Kane:

Pursuant to your instructions to Sara Rose, my co-counsel in this matter, enclosed please find 11 copies of a corrected "Counterstatement of Issue Presented for Review on Appeal and Statement of Issue Presented for Review on Cross-Appeal" (page 1 to Second-Step Brief of Appellee and Cross-Appellants). We also have corrected typographical errors in the Table of Contents, and have enclosed 11 copies of a corrected table. The replacement pages have been "hole-punched" so they easily can be inserted into the spiral bound copies of the brief filed last week. Counsel for Appellants/Cross-Appellants and its amicus have been served with sufficient copies of the replacement pages. We appreciate your assistance.

Very truly yours,

Kim M. Watterson

KMW:jm

Enclosures

cc: Anthony G. Sanchez, Esq. (w/ encs.)  
Sean A. Fields, Esq. (w/ encs.)  
John W. Whitehead (w/ encs.)

**TABLE OF CONTENTS**

COUNTERSTATEMENT OF ISSUE PRESENTED FOR REVIEW  
ON APPEAL AND STATEMENT OF ISSUE PRESENTED FOR REVIEW  
ON CROSS-APPEAL ..... 1

SCOPE AND STANDARD OF REVIEW ..... 2

COUNTERSTATEMENT OF THE CASE..... 3

    A.    JUSTIN LAYSHOCK CREATES A PARODY PROFILE OF  
          PRINCIPAL TROSCH ON MYSPACE USING A COMPUTER  
          AT HIS GRANDMOTHER’S HOME..... 3

    B.    PRINCIPAL TROSCH DISCOVERS SEVERAL PARODY  
          PROFILES AND TAKES STEPS TO BLOCK STUDENTS FROM  
          VIEWING THEM AND TO IDENTIFY THE AUTHORS..... 5

    C.    JUSTIN ADMITS TO CREATING ONE PROFILE,  
          APOLOGIZES, AND IS PUNISHED ..... 10

    D.    THE LAWSUIT ..... 12

SUMMARY OF ARGUMENT ..... 15

ARGUMENT OF APPELLEE JUSTIN LAYSHOCK ..... 18

I.    STUDENT SPEECH THAT OCCURS OUTSIDE OF SCHOOL IS  
      ENTITLED TO FULL FIRST AMENDMENT PROTECTION..... 18

    A.    RESTRICTIONS ON MINORS’ SPEECH OUTSIDE OF  
          SCHOOL ARE SUBJECT TO STRICT SCRUTINY..... 18

    B.    SCHOOL OFFICIALS’ AUTHORITY TO RESTRICT  
          STUDENTS’ FREE-SPEECH RIGHTS IS LIMITED TO  
          EXPRESSION UTTERED IN SCHOOL ..... 21

        1.    The Supreme Court Has Justified Restrictions On Students’  
              Free-Speech Rights While In School Based On The Special  
              Characteristics Of The School Environment ..... 22

        2.    The Supreme Court’s Recent Decision In *Morse* Forecloses  
              Application Of The *Fraser* Standard To Students’ Out-Of-  
              School Speech ..... 26

- 3. Pennsylvania Law Does Not Give School Officials Authority To Punish Students For Out-Of-School Speech ..... 28
- II. JUSTIN’S SPEECH IS ENTITLED TO FULL FIRST AMENDMENT PROTECTION BECAUSE IT WAS CREATED OFF-CAMPUS..... 30
  - A. THE SCHOOL DISTRICT DOES NOT HAVE AUTHORITY TO CENSOR STUDENTS’ OFF-CAMPUS SPEECH EVEN IF IT IS POSTED ON THE INTERNET AND IS THEREBY ACCESSIBLE FROM SCHOOL COMPUTERS ..... 31
  - B. THE SCHOOL DISTRICT DOES NOT HAVE AUTHORITY TO PUNISH JUSTIN’S OFF-CAMPUS SPEECH BECAUSE IT IS “SCHOOL-RELATED” OR “SCHOOL-DIRECTED” ..... 34
  - C. JUSTIN’S PROFILE IS NOT ON-CAMPUS SPEECH AND, IN FACT, THE SCHOOL DISTRICT DID NOT PUNISH HIM FOR ANYTHING HE DID ON CAMPUS ..... 41
- III. JUSTIN’S SPEECH IS PROTECTED BY THE FIRST AMENDMENT EVEN IF IT IS CONSIDERED IN-SCHOOL SPEECH..... 43
  - A. JUSTIN’S SPEECH IS PROTECTED UNDER *TINKER* BECAUSE IT CAUSED NO DISRUPTION ..... 43
  - B. JUSTIN’S WEBSITE CONSTITUTES FIRST AMENDMENT PROTECTED SPEECH..... 47
    - 1. The First Amendment Protects Profane, Vulgar, And Offensive Speech ..... 47
    - 2. The First Amendment Protects Parodies..... 47
- ARGUMENT OF CROSS-APPELLANTS CHERYL AND DONALD LAYSHOCK ..... 50
- IV. THE SCHOOL DISTRICT VIOLATED THE LAYSHOCK PARENTS’ DUE PROCESS RIGHTS WHEN IT PUNISHED JUSTIN FOR HIS CONDUCT IN THE FAMILY’S HOME ..... 50
  - A. PARENTS HAVE A CONSTITUTIONAL RIGHT TO DIRECT THE UPBRINGING OF THEIR CHILDREN WITHOUT GOVERNMENT INTERFERENCE ..... 51

B. THE SCHOOL DISTRICT’S PUNISHMENT OF JUSTIN  
UNCONSTITUTIONALLY INTERFERED WITH THE  
LAYSHOCK PARENTS’ RIGHT TO REGULATE THEIR  
CHILD’S OUT-OF-SCHOOL CONDUCT ..... 53

CONCLUSION ..... 58

District Court July 10, 2007 Opinion..... Tab A

**COUNTERSTATEMENT OF ISSUE PRESENTED FOR REVIEW  
ON APPEAL AND STATEMENT OF ISSUE PRESENTED  
FOR REVIEW ON CROSS-APPEAL**

Whether the district court correctly concluded that the School District violated student Justin Layshock's First Amendment free-speech rights when it punished him for a parody profile of his principal that he created and posted on the Internet while at his grandmother's house during non-school hours?

Whether the district court committed legal error in concluding that the School District's punishment of student Justin Layshock for a parody profile that he created in the family's home did not violate his parents' fundamental right to direct the upbringing of their children?