

THE *SNYDER* DISSSENT AND CLASSROOM DYNAMICS: THE UNSEEN COSTS OF STUDENT FREE
SPEECH RIGHTS

Matthew Chimienti

I. INTRODUCTION

The subject of student free speech rights often sparks intense debate. How much latitude should students have? And in what circumstances should schools be allowed to act to curtail student speech? These concerns have been compounded in the internet age, when students' speech affects many, even when the speech takes place off campus. But one important, often-overlooked result of this speech is its effect on the classroom. This paper will show that student free speech like that in the Third Circuit decision *J.S. ex rel. Snyder v. Blue Mountain School District* has negative, unforeseen effects on teachers and the classroom environment as a whole. In particular, this paper will use the dissent in *Snyder* as the legal community's plea for control on student speech for the teachers' sake. This paper will first explore the history of student free speech in Supreme Court decisions. The paper will then discuss the *Snyder* decision, then it will explore the dissent, and then it will explain some of the tangible effects on educators of which the dissent warns. Finally, this paper will conclude that while students should be afforded free speech rights, courts must be mindful of some of the unseen effects that some student speech has on educators, the classroom environment, and the students themselves.

II. THE STANDARD

Well before the *Snyder* decision, the Supreme Court set its standard by which it and all courts below it judge student speech. The first case was *Tinker v. Des Moines Area School District*. In that case, the court held that to justify prohibition of a particular expression of

opinion, school officials must demonstrate that the expression would materially and substantially interfere with the requirements of appropriate discipline in the operation of the school.¹ The Court also developed several exceptions to the *Tinker* general rule. The first exception came in *Bethel School District No. 403 v. Fraser*. In that case, the Court ruled that schools are allowed to regulate lewd, vulgar, indecent, and plainly offensive speech in school.² The second exception was laid out in *Hazelwood School District v. Kuhlmeier*. In that case, the court ruled that educators may exercise editorial control over the style and content of student speech in school-sponsored expressive activities so long as the educators' actions are reasonably related to legitimate pedagogical concerns.³ The final exception to the *Tinker* rule is found in *Morse v. Frederick*. There, the court ruled that schools may restrict student expression that they reasonably regard as promoting illegal drug use.⁴ It was against this backdrop that the Third Circuit decided the *Snyder* case.

III. SNYDER

A. The Decision

J.S. was an eighth grade honor roll student who had never been disciplined in school until December 2006 and February 2007, when her principal James McGonigle disciplined her for dress code violations.⁵ In March 2007, J.S. and her friend K.L., another eighth grade student at Blue Mountain Middle School in Pennsylvania, created a fake account for McGonigle on MySpace, a social networking site.⁶ The students created the profile at J.S.'s home, and the profile did not identify McGonigle.⁷ The profile did, however, contain "crude content and

¹ *Tinker v. Des Moines Indep. Sch. Dist.*, 393 U.S. 503, 509 (1969).

² *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 683, 685 (1986).

³ *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 273 (1988).

⁴ *Morse v. Frederick*, 551 U.S. 393, 408 (2007).

⁵ *J.S. ex rel. Snyder v. Blue Mountain Sch. Dist.*, 650 F.3d 915, 920 (2011).

⁶ *Id.*

⁷ *Id.*

vulgar language, ranging from nonsense and juvenile humor to profanity and shameful personal attacks aimed at the principal and his family.”⁸ The profile included this description in the

“About me” section:

HELLO CHILDREN[.] yes. It’s your oh so wonderful, hairy, expressionless, sex addict, fagass, put on this world with a small dick PRINCIPAL[.] I have come to myspace so i can pervert the minds of other principal’s [sic] to be just like me. I know, I know, you’re all thrilled[.] Another reason I came to myspace is because—I am keeping an eye on you students (who[m] I care for so much)[.] For those who want to be my friend, and aren’t in my school[,] I love children, sex (any kind), dogs, long walks on the beach, tv, being a dick head, and last but not least my darling wife who looks like a man (who satisfies my needs) MY FRAINTRAIN....⁹

J.S. testified that she intended this profile to be a joke between her friends, and at first, the profile could be viewed in full by anyone who knew the web address.¹⁰ Eventually, J.S. made the profile “private,” meaning only the people that she and K.L. granted access to the page could see it.¹¹ No students were able to view the profile on school grounds, since the school’s computers blocked access to MySpace.¹²

McGonigle eventually learned of the profile’s existence, and gave both J.S. and K.L. ten-day, out of school suspensions.¹³ McGonigle chose not to press criminal charges.¹⁴ Several teachers approached the administration to voice their concerns that they had to stop several students from discussing the profile in class.¹⁵ The school also explained that McGonigle’s wife, Debra Frain, who was a guidance counselor at the school and was referenced in the profile, also had her work activities disrupted.¹⁶

⁸ *Id.*

⁹ *Id.* at 921.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at 922.

¹⁴ *Id.*

¹⁵ *Id.* at 922-23.

¹⁶ *Id.* at 923.

J.S. and her parents filed suit, alleging violations of J.S.'s First Amendment free speech rights.¹⁷ The school initially prevailed at the District Court level, but the case was appealed to the Third Circuit, which heard the case en banc.¹⁸ The Third Circuit noted that the basic framework for analyzing student free speech cases was *Tinker* and its exceptions.¹⁹ The court explained that J.S.'s speech did not cause a substantial disruption in the school, nor did the facts support the conclusion that a forecast of a substantial disruption was reasonable.²⁰ Further, the court found that J.S. did not even intend for the speech to reach the school, going so far as to take steps to ensure that only her friends could access the profile.²¹ The court found that neither the *Tinker* rule, nor the *Fraser* lewdness exception justified the school's prohibition of the speech.²² The court further found that the school district did not violate J.S.'s parents' Fourteenth Amendment due process rights,²³ and affirmed the District Court's determination that the School District's policies were not facially unconstitutional.²⁴

B. The Dissent

Five Circuit Judges joined Judge Fisher in a vigorous dissent of the majority decision.²⁵ The dissent explained that *Tinker* should govern the case, and explained that the speech in this case was vulgar, obscene, malicious, and harmful.²⁶ In contrast to the political speech in *Tinker*, the dissent argued, J.S. targeted her principal and her principal's family with lewd, vulgar, and

¹⁷ *Id.*

¹⁸ *Id.* at 923-24.

¹⁹ *Id.* at 926-27.

²⁰ *Id.* at 928.

²¹ *Id.* at 930.

²² *Id.* at 932-33.

²³ *Id.* at 934.

²⁴ *Id.* at 936.

²⁵ *Id.* at 941 (Fisher, J. dissenting).

²⁶ *Id.* at 943 (Fisher, J. dissenting).

offensive speech, and that this was not the type of speech which the *Tinker* Court tried so hard to protect.²⁷

The dissent explained that accusations such as the ones made on the MySpace page “interfere with the educational process by undermining the authority of school officials to perform their jobs.”²⁸ The dissent also criticized the majority for overlooking the “substantial disruptions to the classroom environment that follow from personal and harmful attacks on educators and school officials.”²⁹ The dissent outlined the effects that such disruptions can have on the classroom environment.³⁰ The next section of this paper discusses some of those detrimental classroom effects, and some of the emotions and issues teachers may deal with when faced with the attacks like those in the *Snyder* case.

IV. ANALYSIS: THE *SNYDER* DISSENT PERSPECTIVE AND CLASSROOM DYNAMICS

The dissent points to a line of cases which show that courts are not willing to tolerate abuse of teachers³¹, as well as to a line of scholarly articles which describe the negative effects which bullying of teachers has on the learning environment.³² It is therefore necessary to

²⁷ *Id.* at 944-45 (Fisher, J. dissenting).

²⁸ *Id.* at 945 (Fisher, J. dissenting).

²⁹ *Id.* at 946 (Fisher, J. dissenting).

³⁰ *Id.* at 946-47 (Fisher, J. dissenting).

³¹ *Id.* at 946-47 (Fisher, J. dissenting). *See also* Posthumus v. Bd. of Educ. of the Mona Shores Pub. Sch., 380 F.Supp.2d 891, 902 (W. D. Mich. 2005) (explaining that failing to take action in response to conduct that offends teachers’ sensibilities only serves to encourage students to repeat the conduct, as well as fosters an attitude of disrespect towards both teachers and staff); *J.S. v. Bethlehem Area Sch. Dist.* 807 A.2d 847, 852 (Pa. 2002) (describing a teacher who suffered stress, anxiety, loss of appetite, loss of sleep, loss of weight, and a general sense of loss of well-being as a result of viewing an offensive student website directed toward her. She lost the ability to leave the house, and suffered from headaches which required her to take anti-depressant and anti-anxiety medication.); *Schroeder v. Hamilton Sch. Dist.*, 282 F.3d 946, 950 (7th Cir. 2002) (describing a teacher who was subjected to an anti-homosexual speech by students, eventually suffered a nervous breakdown and was eventually terminated from his position).

³² *Snyder*, 650 F.3d at 946-47 (Baker, J. dissenting) (laying out multiple scholarly articles which describe the negative effect of student misconduct on the classroom environment); *see generally* Jina S. Yoon, *Teacher Characteristics as Predictors of Teacher-Student Relationships: Stress, Negative Affect, and Self-Efficacy*, 30 SOC. BEHAV. & PERSONALITY 485 (2002) (explaining how teachers’ general attitudes towards teaching can both positively and negatively affect their relationships with students. This article will be discussed in-depth at a later point in this paper); Suzanne Tochtermann & Fred Barnes, *Sexual Harassment in the Classroom: Teachers as Targets*, 7 RECLAIMING CHILD & YOUTH 21 (1998) (noting that educators who are subject to sexual harassment feel negative

examine these effects, and take a serious look at the position of the dissent laid out by Judge Fisher in *Snyder*.³³ These concerns are the sacrifices that schools make in exchange for students to enjoy their freedom of speech rights.

A. *The Classroom Climate and Teacher Stress*

There is little agreement on the meaning of classroom climate, but there exists a general appeal for the notion that learning environments possess an internal set of characteristics that influences the behavior of its members.³⁴ Classroom environment and dynamics are linked to different student outcomes, both academic and behavioral, because children are mediated by their interactions with the classroom environment.³⁵ Positive learning environments with effective teachers and receptive students are best-suited for the learning needs of both young

emotions such as detachment, shame, horror, uncertainty, demoralization, and fear); Benoit Galand, et al., *School Violence and Teacher Professional Disengagement*, 77 BRIT. J. OF EDUC. PSYCHOL. 465 (2007) (examining the motivation of teachers to effectively carry out their jobs in hostile work environments such as the classroom where students are constantly ridiculing them).

³³ Allison E. Hayes, *From Armbands to Douchebags: How Doninger v. Niehoff Shows the Supreme Court Needs To Address Student Speech in the Cyber Age*, 43 AKRON L. REV. 247, 248 (2010) (explaining that certain student internet speech which solicits hitmen, makes vicious character assassinations, and generally ridicules school officials plague the online world and some administrators are lulled into action due to the lack of guidance in this area of law, while others still have silenced student speech outside the classroom altogether). *But see* Allison Belnap, *Tinker at a Breaking Point: Why the Specter of Cyberbullying Cannot Excuse Impermissible School Regulation of Off-Campus Student Speech*, 2011 B.Y.U. L. REV. 501, 503 (2011) (explaining that children are the weakest and most vulnerable members of society and therefore need special protections that other, older members of society do not necessarily need).

³⁴ Ellie Lago-Delello, *Classroom Dynamics and the Development of Serious Emotional Disturbance*, EXCEPTIONAL CHILDREN, Vol 64, Number 4, p. 479–92, available at <http://www.freepatentsonline.com/article/Exceptional-Children/20993883.html> (explaining the need for different educational models for children who are at risk and children who are not); James Conrad Lester, *Inculcation Into Indoctrination Prediction Justice Sotomayor’s Impact on Teachers’ Speech in the Public School Classroom*, 62 ALA. L. REV. 663, 665 (2011) (explaining the different ideological camps regarding teachers’ free speech in the classroom, which, conceivably, could relate to the different learning styles of students).

³⁵ Lago-Delello, *supra* note 34 (explaining that children with behavioral problems have different learning challenges than children who are not behaviorally challenged. The article also explains that are numerous salient factors that are critical to the study of classroom dynamics). Peter E. Barber, *Bishop v. Aronov: “No Talking in Class!”: Does the Elementary School Adage Apply to University Professors?*, 44 ALA. L. REV. 211, 221–222 (1992) (explaining that the classroom is the marketplace of ideas, which supports the conclusion that children who have negative interactions with this “marketplace” will not necessarily get as much out of their classroom experience as children who are in-tune with the class).

children in elementary schools and adolescents who are students in high schools.³⁶ It is difficult, however, in the elementary and high school settings for students to necessarily tell teachers how effective they are. While colleges and even law schools have the “professor review” system, lower levels of education such as elementary and high schools do not, and it is up to the teachers to take the reins themselves and determine for themselves how effective they can each be.³⁷

Protecting the school environment is a major justification for restricting students’ hostile speech about teachers and school officials, and is the only justification courts have endorsed when it comes to regulating off-campus student speech.³⁸ There is enough research on related topics of teacher stress to point towards an important conclusion: students’ verbal hostility toward teachers and school officials, including principals like McGonigle in *Snyder* outlined above, can sometimes cause real distress that disrupts the school environment.³⁹ Building a

³⁶ Lago-Delello, *supra* note 34 (noting that there are salient factors that have emerged as being critical to the study of classroom dynamics: teacher attitudes toward and perceptions of individual students seem to mediate teacher behavior and may influence teacher judgment of student ability; a relationship exists between student academic engaged time and student achievement; the success of students with special needs in general education classrooms is related to the extent that the teachers are willing to provide the necessary accommodations; student-teacher and peer interactions influence student school outcomes).

³⁷ Daniel Linden Luke, *What Can Students Tell Educator About Classroom Dynamics*, THEORY INTO PRACTICE, Vol. 16, No. 4, Classroom Dynamics 262, 267 (October 1977) (explaining that many colleges have either mandated or encouraged college students to evaluate their professors, but elementary and secondary schools have made little effort to obtain systematic feedback from their students about their teachers). Teachers also express concern that students may equate teaching skill with teacher popularity, and that student evaluations will be used to decide which teachers receive long-term employment. *Id.*

³⁸ Emily Gold Waldman, *Badmouthing Authority: Hostile Speech About School Officials and the Limits of School Restrictions*, 19 WM. & MARY BILL RTS. J. 591, 644 (2011) (explaining that protecting the school environment from disruption is one of the two main justifications for restricting students’ hostile speech about school officials; also explaining how it would be ideal to have psychological research that conclusively showed whether, when, and how such hostile speech is disruptive). Unfortunately, there is not a focused body of research on this particular subject, meaning the “whether, when, and how” hostile speech is disruptive to the classroom environment. *Id.*

³⁹ Waldman, *supra* note 38, at 644 (explaining the two conclusions which the research supports, first that the students’ verbal hostility towards school officials can sometimes cause real distress that disrupts the school environment, and second that communication over the Internet is frequently harsher and more abusive in tone than is in-person communication). Several psychological studies suggest that students’ verbal aggression toward teachers can be a significant source of stress for teachers. *Id.* Factors such as school violence and abuse can negatively affect teachers, causing them to want to leave the schools where they work, as well as negatively affecting their emotional well-being and professional engagement. *Id.*

positive school environment may be a way to combat these negative effects that these teachers experience, sometimes on a daily basis.⁴⁰

Students' behavior has been consistently linked to teachers' reports of stress, and Yoon's study investigated whether or not teacher stress, negative effect on the classroom, and teacher self-efficacy predicted the quality of student-teacher relationships.⁴¹ Students have a strong emotional connection to the classroom, making the presence of an emotionally connected teacher in a strong position in the classroom very helpful to these students' learning.⁴² Naturally, students who are disruptive pose significant challenges to teachers, regardless of the level of education in question, meaning that these "bad apples" alone can have a disruptive effect on the classroom as a whole.⁴³ Teachers who are emotionally responsive to students have better relationships with students, which means connecting emotionally with the troublemakers is that much more difficult.⁴⁴

⁴⁰ *Id.* (citing several studies which lay out the possibility that the positive school environment would combat the negative effects which many teachers experience as a result of this abuse); Galand, *supra* note 32, at 466 (explaining that when teachers feel disengagement, they are more likely to leave their schools).

⁴¹ Yoon, *supra* note 32, at 485 (explaining that the purpose of the study was to investigate whether or not teacher stress, negative affect, and self-efficacy predict the quality of student-teacher relationships, laying out the guidelines of the study, as well as the survey method used to carry out the study); Michael K. Nisbet, *Workers' Compensation and Teacher Stress*, 28 J.L. & EDUC. 531 (1999) (explaining that teaching is a very demanding job emotionally, and that teachers who suffer physical injury on the job are automatically covered by workers' compensation, but notes that the purpose of the article is to determine whether teachers who also suffer mental injury on the job should qualify for workers' compensation).

⁴² Yoon, *supra* note 32, at 485 (describing the fact that teachers who provide emotional support, reward competence, and promote self-esteem of students are considered to be one of the factors that decrease the vulnerability of high-risk students in response to stressful life events); Nisbet *supra* note 41, at 531 (describing the mental and emotional investment required by teachers).

⁴³ Yoon, *supra* note 32, at 486 (describing how disruptive, aggressive, resistant students are especially challenging to many teachers, and are frequently noted as a significant source of teacher stress). These "bad apples" are classified as high conflict and low warmth. *Id.* See also Nisbet, *supra* note 41, at 531 (describing that committed teachers spend many hours of preparation to have the perfect lesson, and at the same time, crowded classrooms and discipline problems make it increasingly more difficult for them to do their jobs).

⁴⁴ Yoon, *supra* note 32, at 486 (describing that investigative efforts to specific teacher characteristics, which may affect the quality of teacher-student relationships, are scarce in the current literature; a few studies document the fact that teachers' attachment histories with their primary caregiver and teacher responsiveness and involvement predicted the quality of teacher-student relationships); Nisbet, *supra* note 41, at 531 (describing that teachers often feel like failures who are emotionally spent and lack the energy and commitment to their job, required for these emotional connections).

To top that off, teachers' stress levels caused by these troublemakers may affect their interactions with other students in a variety of settings, and in a variety of ways.⁴⁵ Stress levels are directly linked to the troublemakers in each class, as parenting studies show that mischievous children cause greater levels of stress to their parents.⁴⁶ Negative patterns of interactions between teachers and students may contribute to increased conflicts and lack of understanding, therefore leading to unsatisfactory classroom relationships.⁴⁷

While teacher stress influences the quality of their relationships with students, it also influences their attitudes towards teaching. This means that if teachers are constantly stressed, their attitudes towards teaching their classes in general will suffer, and consequently, the classroom environment as a whole will suffer as well.⁴⁸ The attitude of teachers as a result will likely be adversarial. For example, teachers who experience high stress levels may exhibit anger and hostility in their interactions with students and thus experience negative relationships with

⁴⁵ Yoon, *supra* note 32, at 486 (describing that teachers' levels of stress can be conceptualized as a construct, and influences of teacher stress on their relationships with students can be found in parenting literature); Nisbet, *supra* note 41, at 533 (explaining that teachers who experience a high level of stress require more than three times as many sick days as teachers who experience a low level of stress). Furthermore, many teachers feel that their work has caused them physical illness. *Id.*

⁴⁶ Yoon, *supra* note 32, at 486 (explaining that parenting stress is also associated with a negative mood, which may in turn lead to parents' negative attributions of children's behavior and to a low tolerance of children's misbehavior, relating those interactions to when teachers interact with behaviorally difficult students); Nisbet, *supra* note 41, at 541 (describing that teachers are subject to mental injuries as a result of job-related stress, and that some of these injuries are disabling).

⁴⁷ Yoon, *supra* note 32, at 487 (linking parents' and teachers' personal feelings towards behaviorally difficult students, noting that these students do not receive predictable feedback or praise from teachers following desirable behaviors, whereas they constantly receive reprimands of their undesired classroom behaviors).

⁴⁸ Yoon, *supra* note 32, at 491 (explaining that moderate correlations among negative affect, teacher stress, and negative relationships further demonstrate the fact that teacher stress may increase an inappropriate display of negative affect, which may become a general tone of interactions with students); Anne Proffitt Dupre, *Disability and the Public Schools: The Case Against "Inclusion,"* 72 WASH. L. REV. 775, 852 (1997) (explaining that when teachers are pulled in too many directions, high levels of stress can result, which can cause an almost zombie-like response from teachers, negatively affecting their classroom environments). This article emphasizes in particular the stressful effects that teaching disabled students can have on teachers, and that when demand is high, teachers' attention spans can only handle so much in creating their lesson plans. *Id.*

them.⁴⁹ This also has a tendency to itself increase teachers' stress levels, creating a never-ending cycle of teacher stress.⁵⁰

Because teacher-student relationships play such an important role in students' overall school adjustment, and due to the high stress levels student abuse can cause, it's not a stretch to say that the verbal abuse which teachers such as McGonigle and Frain, experienced would greatly affect their ability to effectively reach students.⁵¹ Furthermore, since McGonigle was in a position of power, the discrepancy may have been greater: McGonigle was a principal, meaning he may have experienced stress on a much larger scale.⁵² Also, if instances of student-teacher disagreement take place as outlined above, the very embarrassing MySpace profile these students published could have contributed significantly to the stress of the educators involved, thereby straining their relationships with other students.⁵³

⁴⁹ Yoon, *supra* note 32, at 491 (explaining that teachers who experience high levels of classroom stress may experience negative, adversarial actions with students, but noting it as important that there may be other teacher characteristics which may be much more predictive of the quality of student-teacher relationships); *Job Stress in Teachers Linked to Student Achievement*, SCIENCEDAILY, Mat 25, 2011, available at <http://www.sciencedaily.com/releases/2011/05/110525181422.htm> (explaining that teacher stress and teacher health may influence how effective teachers are in the classroom, supporting that higher stress levels make for less effective teachers).

⁵⁰ Yoon, *supra* note 32, at 491 (describing how negative interaction with students also feeds teacher stress levels, which leads to teachers finding their future interactions with students even more stress-inducing), *see also* SCIENCEDAILY, *supra* note 49 (explaining that fundamental changes in students during adolescence affects their teachers, which affects their stress levels, which affects teacher-student interactions within the learning environment and students' abilities to learn within it).

⁵¹ Yoon, *supra* note 32, at 492 (noting that findings suggest that teacher stress is an important dimension to consider when seeking to understand teacher-student relationships; also explaining that the study provides a strong rationale for initiating systematic efforts within the educational system that address teacher stress, and offers an important direction for both professional development and intervention).

⁵² Katherine S. Cushing, Judith A. Kerrins & Thomas Johnstone, *Disappearing Principals: What is the Real Reason Behind the Shortage of Applicants for Principal Positions Across the State and Nation? It's the Job, Stupid!*, LEADERSHIP, Vol. 32, No. 5, p. 28-29 (May-Jun 2003) available at http://findarticles.com/p/articles/mi_m0HUL/is_5_32/ai_112686943/?tag=mantle_skin;content (explaining that not only are principals expected to implement curriculum mandates that include getting all students, including English learners and students with identified handicaps, to achieve high standards, it also means dealing with a budget crisis and inadequate funding for many instructional positions and educational programs).

⁵³ Yoon, *supra* note 32, at 492 (explaining that teacher stress is an important dimension to understand when examining the dimensions of teacher-student relationships); Cushing et al., *supra* note 52 (explaining that principals speak of stress related to their work, and that stress comes from many arenas, including public criticism). In addition, high levels of stress for high school principals come from high levels of responsibility while authority and flexibility are simultaneously reduced via union contracts and fiscal and legal requirements. *Id.* Also, principals are

B. Violence in the Classroom and Burnout

In a somewhat different, yet related field, precursors and consequences of violence experienced by teachers are yet other factors in the teacher's fight to control the classroom.⁵⁴ Studies suggest that classroom violence has a strong negative impact on teachers' well-being.⁵⁵ This negative impact includes symptoms such as post-traumatic stress disorder.⁵⁶

Aside from pure violent threats, general misbehavior among students is a contributing factor to another symptom, known as teacher burnout.⁵⁷ Burnout is defined as a state of emotional exhaustion, depression, and reduced personal accomplishment, resulting from repeated and long-lasting stress.⁵⁸ Studies have shown that a reasonable predictor of burnout is a feeling

generally the first individuals to be fired if demands and targets aren't met, in addition to the job being generally thankless. *Id.*

⁵⁴ Galand et al., *supra* note 32, at 465-466 (explaining that most studies of school violence have focused on students, and that precursors and consequences of violence experienced by teachers are less well-documented). The aim of the study outlined in the Galand article was to test and compare, through structural equation modeling, two modes of relationships between perceived school support, exposure to school violence, subjective well-being, and professional disengagement. *Id.* See also Stuart Henry, *What is School Violence? An Integrated Definition*, 567 ANNALS AM. ACAD. POL. & SOC. SCI. 16 (2000) (explaining that the scope of violence which commentators focus on is often slim, and interpersonal violence between students or by students towards their teachers is often the focus). Furthermore, the origins of violence in children are complex, and no single factor contributes to why children are violent, both toward their teachers and towards each other. *Id.* at 17.

⁵⁵ Galand et al., *supra* note 32, at 466 (explaining that even if students are clearly more victimized than teachers, teachers' well-being could still be affected negatively, and citing a study which found a high level of post-traumatic stress disorder among French teachers who were victims of physical aggression at school). However, the study cited by Galand and others suffers from some methodological limitations: it was based on a convenience sample, the response rate was very low, and there was no control group. *Id.* See also Henry, *supra* note 54, at 17 (noting that violence includes both emotional and psychological pain which results from domination of some individuals over other individuals).

⁵⁶ Galand et al., *supra* note 32, at 466 (explaining the study of French teachers who were victims of post-traumatic stress disorder, also citing that many teachers often complain about violence and ask for intervention, and that teachers are rarely considered as victims of school violence); Henry, *supra* note 54, at 22 (explaining that the level of seriousness of these violent acts is often closely associated with a severe social response, which could be viewed as the post-traumatic stress disorder experienced by teachers on a daily basis as a result of this violence).

⁵⁷ Galand et al., *supra* note 32, at 466 (explaining that burnout rates are consistent with a study of secondary school teachers in French-speaking Belgium, which showed that physical aggression against teachers is extremely rare, but verbal victimization is much more widespread and is closely associated with a much higher level of depression, and that these studies also indicate that teachers report student misbehavior as they experience it as a form of violence); Isaac A. Friedman, *Student Behavior Patterns Contributing to Teacher Burnout*, THE JOURNAL OF EDUCATIONAL RESEARCH, Vol. 88, No. 5 at 281 (explaining the results of two separate studies that show and examine exactly how typical student behavior patterns contribute to predicting burnout among teachers in general, and among male and female teachers possessing different pupil control ideologies).

⁵⁸ Galand et al., *supra* note 32, at 466 (explaining both the definition of burnout, as well as a study among secondary teachers which found that the sources of stress linked to maintaining discipline in the classroom were the factors

of insecurity at school.⁵⁹ These studies also show that student misbehavior such as ridiculing teachers is consistent with a high rate of burnout.⁶⁰ As a result, an environment in which the students have free license to ridicule the teachers however and whenever they wish would cause significant insecurity among teachers.⁶¹ The most important result of this, of course, is the fact that teachers who are anxious, depressed, or disengaged are less able to sustain the academic engagement of their students.⁶²

In sum, verbal victimization (which can extend to the internet), student misbehavior and perceived violence at school impair teacher well-being.⁶³ Support from colleagues and the principal reduces these difficulties, fosters teacher well-being, and positively impacts the

most strongly associated with causing teacher stress); Friedman, *supra* note 57, at 281 (explaining that burnout is a work-related syndrome that stems from an individual's perception of a significant discrepancy between effort/input and reward/output). Burnout often occurs most in those who work face-to-face with troubled or needy clients and is typically marked by withdrawal from, and cynicism toward, clients, emotional and physical exhaustion, and various psychological symptoms such as irritability, anxiety, sadness, and lowered self-esteem. *Id.*

⁵⁹ Galand et al., *supra* note 32, at 466 (explaining that teachers' experience of school violence is mainly composed of a pattern of student misbehavior, verbal victimization, and perceived violence inside the school). Frequent student misbehavior, repeated verbal victimization, and high perceived violence could hurt teachers and lead to emotional exhaustion. *Id.* See also Friedman, *supra* note 57, at 282 (explaining that are a number of stressors related to teacher-student interaction, but teachers have cited behavior and discipline problems, low motivation and a lack of effort, a sense of responsibility regarding the future of their students, and inadequate resources as the main stressors contributing to their burnout).

⁶⁰ Galand et al., *supra* note 32, at 466 (explaining that the results of these studies are consistent with research showing that student misbehavior is an important factor of teacher stress and burnout, causing emotional exhaustion, depersonalization and reduced personal accomplishment); Friedman, *supra* note 57, at 282 (explaining that teachers perceive students as the main source of their burnout in their work because of indifference on the part of the student, discipline problems, and absenteeism).

⁶¹ Friedman, *supra* note 57, at 282 (explaining that in a recent review of 22 articles on teacher anxiety, it was indicated that classroom discipline and discipline-related problems are the primary source of stress for novice teachers and a major source of stress for experienced teachers). Furthermore, research has found significant correlations between the prevalence of student misbehavior and emotional exhaustion and depersonalization of teachers. *Id.*

⁶² Galand et al., *supra* note 32, at 467 (explaining a study which highlighted that a lack of job involvement on the part of teachers has a negative impact on students' motivation; other studies suggest that insecure teachers may display behavior that could indeed increase the occurrence of misbehavior, noting that it seems like the kind of events that teachers designate as school violence could have a strong negative impact on teachers and consequently, on the quality of teaching); Friedman, *supra* note 57, at 285 (explaining a study carried out by the author that two student behavior patterns are particularly salient as stress factors on the teacher, as perceived by the students, mainly disrespect and inattentiveness; noting that students recognize certain responses which cause the teacher stress, such as "claiming not to understand after having been inattentive during the lesson").

⁶³ Galand et al., *supra* note 32, at 467 (explaining that research on bullying and victimization consistently indicates that social isolation increases the risk of being victimized, and that other studies indicated that exposure to violence and student misbehavior increases teacher stress).

professional environment, but sometimes even the principal and the support staff are targets of the abuse.⁶⁴ It is clear then that a supportive school environment and supportive colleagues help overcome the stresses of an abusive classroom environment. However, by restricting the ability of the schools to actually help and curtail the mischievous free speech of students in school and in the internet forum, courts may be actually working against the schools' ultimate goal of creating a positive educational environment.⁶⁵

V. CONCLUSION

The dissent in *Snyder* voiced the concern that the protections afforded student speech by courts often come with consequences. Allowing students the ability to express their opinions on politics and world events has long been protected by *Tinker* and its progeny. But the dissent begs an important question: where should educators and courts draw the line? J.S. attacked her principal and his wife with vulgar and lewd insults. While J.S. never intended the principal to see these comments, nor did she ever expect the speech ever to reach the school, nor did she ever expect anyone but her friends to see the comments, the hurtful messages still had the potential for adverse effects on the classroom environment. As outlined above, lewd and offensive attacks on educators have psychological effects on educators themselves, and severely inhibit their ability to control the classroom environment. Some of those effects can even include post-

⁶⁴ Galand et al., *supra* note 32, at 467 (explaining that individual well-being impacts professional development, but it is still not clear how verbal victimization, support from colleagues, and this well-being relate to each other; also explaining that research on teacher burnout shows that well-being mediates the impact of stressors on professional disengagement); Isaac A. Friedman, *High- and Low-Burnout Schools: School Culture Aspects of Teacher Burnout*, THE JOURNAL OF EDUCATIONAL RESEARCH, Vol. 84, No. 6, at 326 (explaining organizational and environmental factors as causes for burnout. Further explaining that burnout is justified for two main reasons: first, the origins of burnout deriving from role and organizational variables are probably stronger than those deriving from personality variables, and second, it may be easier to reduce the rate of occurrence and the degree of severity of burnout by intervention on the organizational plane, with the organization most likely meaning the school. The school must support the idea that stressful organization works against teachers in their battle against burnout).

⁶⁵ *Snyder*, 650 F.3d at 941 (Fisher, J. dissenting) (explaining that the majority's holding in the case severely undermines schools' authority to regulate students who materially and substantially disrupt the work and discipline of the school). The Court may have left schools defenseless to protect teachers and school officials against vicious character attacks and powerless to discipline students for the consequences of their actions. *Id.*

traumatic stress disorder. So while students should be allowed to exercise their free speech rights, courts should be mindful that their ability to exercise those rights comes with a cost. That cost not only affects the educators themselves, but also affects the ability of the students to participate in the classroom and learn effectively.