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Analysis of 11<sup>th</sup> Circuit Court of Appeals Decision in  
Fulton County School District vs. Rachel Boim & Nancy Boim

Facts

Rachel Boim brought a notebook to school which contained a narrative in which she brought a gun to school, shot and killed her math teacher, and was subsequently shot at herself. The narrative was presented as a dream. Another student was observed writing in Rachel's notebook and it is suggested he had Rachel's consent. When a teacher requested the notebook from the other student, the other student passed it back to Rachel, who then attempted to substitute another notebook before finally surrendering the original.

The school's administration, having been provided with the notebook, met with Rachel and her parents. The administration suspended Rachel for 10 days, and recommended expulsion, for violating several school rules including a prohibition against threats of bodily harm. An independent arbiter conducted a disciplinary hearing in which the hearing officer expelled Rachel. The district's board of education affirmed Rachel's suspension but overturned her expulsion. Rachel did not appeal the decision.

Issues

A lawsuit was filed on Rachel's behalf requesting removal of the incident from Rachel's record. The district court issued a summary judgment denying the request. The court of appeals reviewed the circuit court's decision to determine whether the summary judgment, that the suspension did not violate Rachel's free speech rights, was appropriate. The appeals court also reviewed whether the district court erred in refusing to order the school district to expunge the incident from Rachel's records.

Conclusion

The appeals court concluded that Rachel's rights were not violated and that the district court was correct in its refusal to order the incident expunged. The court cited a previous ruling stating that a school environment is special with respect to the application of students' free

speech rights. The appeals court noted that they have generally upheld the authority of school officials to control speech within their jurisdiction if the speech was likely to cause substantial disruption. They further stated that the disruption need not be immediate. The court stated that Rachel's actions, namely bringing the notebook to school and failing to keep it private, created an appreciable risk of disruption.

With respect to Rachel's writings, the appeals court noted that the circumstances allowed them to reasonably be construed as a threat of physical violence. The court stated specifically that the First Amendment does not grant students the right to make threats during the school day. They state that students' free speech rights should not interfere with the ability of school administrators to maintain a safe environment.