

Settlement in California School Free Speech Case

California School District Settles Legal Case - With Former High School Student Body President

Expert: Nathaniel Yu 'most successful student speech plaintiff in U.S. history'

DANVILLE, Calif. – The San Ramon Valley Unified School District has settled a case involving First Amendment and Due Process claims brought by former student body president Nathaniel Yu. As part of the agreement, the district will pay \$665,000 and apologize for “negative effects, disruption, and emotional distress” suffered by Mr. Yu and his family.

First Amendment scholar and former Student Press Law Center Executive Director, Frank LoMonte, has followed this case closely and describes it as “the largest settlement amount surrounding student free speech cases,” adding, “it makes Nathaniel the most successful student speech plaintiff in U.S. history.”

“The landmark settlement figure sends a strong message to public school officials throughout the country that the First Amendment prohibits them from censoring off-campus student speech that does not substantially disrupt school activities,” Prof. LoMonte said. “This is especially true in instances such as this where the speech was made on a weekend, entirely off-campus, and with no school resources.”

According to the lawsuit, the school district violated Mr. Yu’s First Amendment rights when it disciplined him for his role in creating a James Bond-style parody video. As punishment, Mr. Yu, who was 17 and a junior at San Ramon Valley High School at the time, was

stripped of his position as elected junior class president, removed from the school's leadership class and disqualified from the Associated Student Body presidential election - after he had already garnered the majority of votes.

Even after the school district reversed their punishment, district employees retaliated against, and continued to publicly disparage Mr. Yu.

In November 2019, U.S. District Judge Maxine Chesney ruled against the school district's motion to dismiss the case, rejecting an argument that the parody constituted school-sponsored speech. A month later, the school district and its legal team were ordered by the court to release more than 12,000 documents they previously withheld. Soon thereafter, the district proposed to settle.

Lead attorney James Carlos McFall, a Dallas partner at Jackson Walker LLP stated, "It was an honor and a privilege to represent Nathaniel and his family in this important First Amendment lawsuit. The defendants punished him for the parody video because they found it 'offensive' and 'inappropriate.' The First Amendment, however, prohibits government officials from punishing speakers for speech simply because they subjectively disapprove of its content."

Nathaniel Yu said the settlement and the district's apology underscore the importance of our Constitution and the First Amendment in the modern age of digital technology and social media.

"No one should be subjected to what my family and I have been forced to endure. As a child of immigrants, I am constantly reminded that we cannot take our civil rights for granted. We must continue our fight to preserve these rights at all costs."

Learn more about the case at <https://studentspeechrights.org/>.

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