

Wildman ex rel. Wildman v. Marshalltown School Dist.

249 F.3d 768 (8th Cir. 2001)

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In 1998, Rebecca Wildman ("Wildman") was a sophomore student at Marshalltown High School and a member of the school's sophomore basketball team in Marshalltown, Iowa. At trial, Wildman testified that Coach Rowles, the girls' varsity coach, promised in conversations with her before the season that he would promote her to the varsity team. When the promotion never materialized, Wildman drafted and distributed a letter to her teammates, which criticized Coach Rowles for not promoting her and other sophomore members to the varsity team. The letter indicated that Wildman wanted the team to unite and fight for their positions on the varsity team. A week after the letter was distributed, Coach Rowles received complaints from the parents of Wildman's teammates and was given a copy of the letter. Coach Rowles testified that he was alarmed by the letter's tone and language and scheduled a meeting with Wildman. Coach Rowles told Wildman that the letter was disrespectful and conditioned her continued participation on the sophomore basketball team on Wildman apologizing to her teammates. Wildman refused to apologize and did not practice or play with the team for the remaining six games of the season.

Wildman filed an action under 42 U.S.C. §§ 1983 and 1988 against the school principal, school athletic director, varsity girls' basketball coach, and the school district alleging that they violated her rights under the Free Speech Clause of the First Amendment. Specifically, Wildman argued that the First Amendment prevented the school from disciplining her for distributing a letter, which was a personal communication to the other students containing her personal expression. The defendants filed a motion for summary judgment, which was granted by the district court. The United States Court of Appeals for the Eighth Circuit affirmed the district court's grant of summary judgment, holding that Wildman's claim had no basis for a claim of violation of free speech.

The Court found that it is well settled that students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. However, the Court stated that the right to express opinions on school premises is not absolute, and that it is well within the parameters of school officials' authority to prohibit the public expression of vulgar and offensive comments. Wildman and her teammates were given a handbook for student conduct drafted by Coach Rowles, which indicated that disrespect and insubordination would result in disciplinary action at the coach's discretion. Nonetheless, Wildman's letter contained offensive language and suggested that the team unite in defiance of the coach. The Court held that the letter constituted insubordinate speech toward her coaches.

In affirming the grant of summary judgment, the Circuit Court indicated that the action taken by the school and its coaches was reasonable and did not interfere with Wildman's regular education. The Court held that in this case, an athletic context void of egregious conduct by the school and where school officials merely called for an apology, no basis existed for a claim of a violation of free speech.