

IN THE SUPREME COURT OF THE UNITED STATES

No. 20-255

MAHANoy AREA SCHOOL DISTRICT, PETITIONER,

v.

B. L., A MINOR, BY AND THROUGH HER FATHER,
LAWRENCE LEVY AND HER MOTHER, BETTY LOU LEVY

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURTS OF APPEALS
FOR THE THIRD CIRCUIT

MOTION OF THE UNITED STATES
FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE
AND FOR DIVIDED ARGUMENT

Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Acting Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae in support of petitioner and for divided argument, and requests that the United States be allowed ten minutes of argument time. The United States has filed a brief as amicus curiae supporting petitioner. Petitioner has agreed to cede ten minutes of argument time to the United States and thus consents to this motion.

This case concerns the authority of public schools to discipline students for speech that occurs off campus. The

federal government operates many primary and secondary schools on military installations and Indian reservations. And several federal governmental entities, including components within the Departments of Education, Justice, and Health and Human Services, devote significant resources to addressing, preventing, and enforcing prohibitions on bullying and harassment of students. The United States thus has a substantial interest in the outcome of this case. The government also has a substantial interest in the correct interpretation and application of the federal Constitution.

The United States has participated in oral argument as amicus curiae in prior cases involving the scope of federal constitutional rights, including those protected by the First Amendment, in the public-school context. E.g., Morse v. Frederick, 551 U.S. 393 (2007); Board of Education of Independent School District No. 92 v. Earls, 536 U.S. 822 (2002); Vernonia School District 47J v. Acton, 515 U.S. 646 (1995). The United States' participation in oral argument is therefore likely to be of material assistance to the Court.

Respectfully submitted.

ELIZABETH B. PRELOGAR
Acting Solicitor General
Counsel of Record

MARCH 2021