

No. 25-819

IN THE
Supreme Court of the United States

JEANNE HEDGEPEETH,

Petitioner,

v.

JAMES A. BRITTON, ET AL.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

BRIEF IN OPPOSITION

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QUESTION PRESENTED

Petitioner was a social studies teacher at Palatine High School. The Board of Education terminated her employment, citing her history of profane in-classroom outbursts at students and a final incident in which she publicly advocated violence and derided a former student's viewpoint. The final incident occurred via posts on Petitioner's Facebook account, which she had curated to reach primarily school community members that she knew from her teaching position, including more than 600 former students. Petitioner contends that the school district violated her First Amendment rights when it terminated her. The district court and the court of appeals rejected that claim. Examining the factual record, the Seventh Circuit applied this Court's settled legal precedents and properly held that the District's interests in its ability to provide school services effectively were sufficient to support the termination.

Misdescribing or ignoring the decision below and the facts in the record, the petition presents a purely hypothetical question concerning whether a public employee may be disciplined for off-the-job speech based solely on the speech's viewpoint.

The actual questions presented are:

1. Whether the Seventh Circuit correctly held that Petitioner's termination did not violate her First Amendment rights where Petitioner's post on an online platform—a platform that she had curated to reach primarily school community members she knew from her public

teaching position—caused (and risked further) disruption for current students, teachers, parents and school classes, and, in the context of her history of profane outbursts to students, showed an ongoing lack of judgment and ability to serve effectively as a social studies teacher and an inability to comply with established rules of respect and decorum?

2. Whether this Court should use this case to revisit the framework set forth in *Pickering v. Board of Education*, 391 U.S. 563 (1968), and *Garcetti v. Ceballos*, 547 U.S. 410 (2006), to address viewpoint discrimination and off-campus speech, where (1) this Court’s precedent already prohibits viewpoint discrimination and the decision below and courts of appeals followed that clear precedent, and (2) the decision below and all courts of appeal already uniformly consider the location of an employee’s speech as relevant, simply not dispositive?

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STATEMENT OF THE CASE***Petitioner Is Terminated After Repeated Suspensions and Warnings for Inappropriate Language and Lack of Judgment***

The District employed Petitioner to teach social studies at Palatine High School. Pet. App. 20. As a District teacher, Petitioner was required to maintain “just and courteous professional relationships with pupils, parents, staff members, and others.” Pet. App. 25 n.5. Another of Petitioner’s core job responsibilities was to “promote [student] welfare and proper educational development.” Pet. App. 25 n.5.

Four years before her termination, immediately following the 2016 U.S. presidential election, Petitioner began to struggle with appropriately moderating her interactions with students. By the time it terminated Petitioner, the District had already suspended her twice for profane outbursts at students, and specifically warned her that further incidents could result in disciplinary measures and possible termination. Pet. App. 20-21.

November 2016 Incident. While lecturing about the 2016 U.S. presidential election results, Petitioner spiraled into a “volatile emotional state” in front of her students. Pet. App. 2. She used profanity repeatedly, including referring to some students’ concerns about the election as based on a “fucking lie.” Pet. App. 2, 21, 64.

The District found Petitioner violated established policy mandating respectful, courteous relationships

and teacher promotion of student welfare. It suspended Petitioner for one day without pay. The District also provided Petitioner with a written warning that similar incidents of unprofessional conduct would result in additional disciplinary measures, including, potentially, her termination. Pet. App. 2, 51-52.

February 2019 Incident. The District’s warning had little effect. In February 2019, Petitioner berated a student in a profanity-laced tirade in front of the entire class. She “yell[ed]” at him, “You haven’t even done your fucking homework,” “read the fucking chapter,” and “no shit.” Pet. App. 2, 52. Petitioner told the class that she knew her language violated District policy and simply did not care, announcing that she now would “surely be suspended.” Pet. App. 3. She was right.

Multiple students complained about her conduct. Pet. App. 68. Petitioner lied to the then-principal about using profanity in her class, until confronted with a student’s recording of the incident. Pet. App. 68-69. In response to this repeated and escalating use of unprofessional, disrespectful language, the District once again suspended Petitioner without pay, this time for four days. Pet. App. 3. The District also issued Petitioner a notice to remedy, requiring her to attend six counseling sessions, reminding her to abide by District policies, and again warning her of the possibility of dismissal if her unprofessional conduct continued. Pet. App. 3.

May 2020 Incident. The District’s social media policy instructed teachers that “[a]ny duty-free [social

media] use must not interfere with the employee’s job duties or the school environment” and that improper use with a “nexus to the District or school” would be grounds for disciplinary action. Pet. App. 25. Knowing that policy, Petitioner chose to build her Facebook network almost completely based on her District connections. In total, former students constituted approximately 80% of Petitioner’s roughly 800 Facebook friends by June 2020—friends who were all free to broadly share Petitioner’s posts. Pet. App. 4. Petitioner did not monitor whether the former students she accepted as friends had siblings who were current students or had other current connections to the school. Pet. App. 84-85.

In May 2020, following the police misconduct that led to the death of George Floyd, there were protests across the country. Pet. App. 3. In response to those protests, Petitioner issued a series of Facebook posts between May 31 and June 1. First, Petitioner wrote that she wanted to move “[n]ow that the civil war has begun” and that she “need[ed] a gun and training.” Pet. App. 3.

Petitioner next reposted a post that read, “Wanna stop the [r]iots? Mobilize the septic tank trucks, put a pressure cannon on em ... hose em down ... the end.” Pet. App. 3. Petitioner commented, “You think this would work?” Pet. App. 3.



Pet. App. 75.

Petitioner also posted a response (visible to all her Facebook followers) to a former student on Facebook. In her post, she labelled the former student’s use of the term “white privilege” as “racist” and told the former student that if the student believes America is racist, “you have been hoodwinked” by “the white liberal establishment and race baiters” in order to have those views. Pet. App. 3-4, 49-50.

While Petitioner repeatedly refers to her Facebook postings as “private,” those posts were visible to her 800-plus “friends” and were shared hundreds of times through social media and widely circulated among community members well beyond Petitioner’s Facebook “friends,” including current students and parents—to the degree that they made national, and international, news. Pet. App. 4, 17, 79.

Almost immediately, current students, teachers, parents, and school alumni reacted to the posts, sending messages to the school's principal. Pet. App. 5, 23-24, 78. The District ultimately received 113 emails, some with multiple signatories, about Petitioner's posts. Pet. App. 11, 23-24 n.4.

The posts and the reactions they caused diverted school and District staff from their core functions to respond to media and community complaints. Pet. App. 12. Just days after the posts, other teachers reported that their summer school classrooms had been "derailed" by the posts. Pet. App. 12.

In an effort to quell the disruption and help restore relations with the local community, the District issued a press release apologizing "for any harm or disrespect that this may have caused" and clarifying that Petitioner's posts did not represent the District. Pet. App. 4.

The Board of Education also held two public meetings with opportunities for comment. It received dozens of comments criticizing Petitioner, with just a handful in her support. Pet. App. 5. Many of the concerns came from current students and parents. Pet. App. 11. One email from multiple Palatine students told the District that they were uncomfortable learning from a teacher who was so openly dismissive and derisive of their viewpoints. Pet. App. 11-12. One parent wrote that her son was in Petitioner's Homeroom class, and that if Petitioner "is still employed by the start of the next school year[,] I would like to have my son removed from her class." D.Ct.Dkt.54.3 at 73. Another parent wrote that Petitioner's online calls for "a

gun” and for “blasting people like a cannon” made her concerned for her daughter’s safety. *Id.* at 86.

Following the public meetings and a full internal investigation, the Board voted to terminate Petitioner’s employment. Pet. App. 4-5.

Petitioner Fully Adjudicates Her First Amendment Argument in State Dismissal Proceedings

As a tenured teacher, Petitioner was entitled to due process, including a full evidentiary hearing, prior to dismissal. In accordance with state law, Petitioner was served with a bill of particulars setting forth the dismissal charges against her. The bill of particulars explained that Petitioner had “failed to conduct [herself] in a manner that demonstrates good judgment and recognition of [her] role, authority, and responsibility as a teacher.” Pet. App. 49. It continued, finding that she “failed to serve as [a] role model” as required by the school code, and that she had engaged in conduct that damaged her reputation as a teacher and school community member, “damaged the reputation of the District,” and “caused harm to the staff and students of the District.” *Id.* The bill of particulars further charged that Petitioner’s postings had caused significant disruption in the District, “impede[d] the efficiency of the District’s provision of services,” and caused her to “los[e] the trust and respect of colleagues and students.” Pet. App. 51.

The bill of particulars detailed the “three occasions” where Petitioner had “used words inappropriate for [her] role as teacher and have hampered [her]

capacity to serve as a member of the school community.” Pet. App. 52. Based on that repeated conduct, failing to “treat students with dignity in the classroom” and choosing to “broadcast in a public space words that devalue and demean” people (including those in the school community), the bill of particulars concluded that she could “no longer serve as a role model.” Pet. App. 52-53.

Petitioner requested and was granted a dismissal hearing before a neutral hearing officer appointed by the Illinois State Board of Education. Petitioner was represented by counsel and had a full opportunity to call witnesses, offer documents into evidence, and present arguments. Pet. App. 6. Petitioner first raised her First Amendment challenge to her termination in the course of that hearing.

The state hearing officer, applying the *Pickering* test, found that the District’s dismissal did not violate Petitioner’s First Amendment rights. Pet. App. 6, 27-28. The Board adopted the hearing officer’s findings. Petitioner was entitled to seek judicial review of the Board’s final determination under the Illinois Administrative Review Law, but she chose not to do so. Pet. App. 28.

Petitioner Files Suit and the District Court Grants Summary Judgment for the School District

While still waiting for the hearing officer’s decision, Petitioner chose to pursue her First Amendment arguments simultaneously in federal court. She sued the District and other associated individuals under 42

U.S.C. § 1983, raising the same claim that her discharge violated the First Amendment. Pet. App. 6-7.

The district court subsequently granted summary judgment to all defendants, on three independent grounds. First, the court held that Petitioner was collaterally estopped from pursuing her claim because she had already litigated it to final judgment in the state proceeding and could not relitigate the predicate facts resolved there, which established that her dismissal did not violate the First Amendment. Pet. App. 28-35. Second, the court held that the individual defendants were entitled to qualified immunity. Pet. App. 46-47. Third, the court held that summary judgment for the District was appropriate on the merits, applying *Pickering*. Pet. App. 35-46. The court explained that there was “ample undisputed evidence of actual disruption caused by [Petitioner’s] Facebook posts.” Pet. App. 41; *see* Pet. App. 43 (noting Petitioner “d[id] not dispute” the numbers of critical comments).

The Seventh Circuit Affirms

The Seventh Circuit affirmed, holding that, based on the summary judgment record, Petitioner’s termination did not violate her First Amendment rights.¹ Applying the two-step *Pickering* inquiry, the court concluded at the first step that Petitioner had, in her Facebook posts, spoken “as a citizen on a matter of

¹ As the Court affirmed on the merits, it did not reach the district court’s alternative holdings. Pet. App. 7.

public concern” and that her speech had “constitutional value.” Pet. App. 9, 14.

The court therefore proceeded to examine Petitioner’s speech interests against the District’s interests in the effective and efficient provision of services. In doing so, it stressed that the District bore the burden of establishing that its interests outweighed Petitioner’s. Pet. App. 9. It agreed with the district court that the District had met this burden: The District had “produced a wealth of undisputed evidence of the actual disruption at PHS engendered by [Petitioner’s] posts.” Pet. App. 11. The controversy caused in-classroom disruptions during summer school, generated numerous complaints from current students and parents who expressed concern about Petitioner’s fitness as a teacher, “forced the District into a costly and time-consuming public relations response,” and otherwise required “diverting staff and resources” from core District functions. Pet. App. 11-12. The court also found that, in making the decision to terminate Petitioner’s employment, the District permissibly considered “the scale of the fallout on top of [Petitioner’s] prior disciplinary history,” with its prior incidents of inappropriate language and student complaints, in “conclud[ing] that her conduct undermined her job performance.” Pet. App. 12. After three disciplinary incidents, “[t]he District was not required to wait around for a fourth violation.” Pet. App. 13.

In reaching this conclusion, the Seventh Circuit considered the fact that Petitioner’s speech in the most recent incident was “made outside of the workplace” on her “personal” Facebook account. Pet. App. 15. The court recognized that “speech made outside of

the workplace may be less disruptive to the ‘efficient functioning of the office’” in some circumstances. Pet. App. 15. Here, however, Petitioner had chosen to make her “comments to an audience she herself curated—80% of whom were part of the PHS community.” Pet. App. 15.

The court also considered Petitioner’s argument that her dismissal constituted a “heckler’s veto” but rejected it as contrary to “the factual record.” Pet. App. 15. First, Petitioner’s argument that responding to community complaints “amount[ed] to affording the PHS community a ‘heckler’s veto’ ... di[d] not account for the unique relationship” that a teacher has to the community as a role model and coventurer in the public educational project. Pet. App. 15-16. The court explained that the school community members who complained, including students and parents, “are not outsiders seeking to heckle [Petitioner] into silence,” but “participants in public education, without whose cooperation public education as a practical matter can-not function.” Pet. App. 16 (internal quotation omitted). Moreover, the record was clear that the District’s termination decision was based not on the fact that Petitioner’s speech was controversial, but on the fact that Petitioner’s speech “caused the school to suffer severe internal disruption”—the critical factor under *Pickering*. Pet. App. 16.

As to Petitioner’s arguments that “her posts were not racist or racially inflammatory,” the court emphasized that the specific views she expressed were “irrelevant to [its] decision.” Pet. App. 16. What mattered was the “unrefuted, objective evidence of

significant disruption of workplace operations.” Pet. App. 16-17.

REASONS TO DENY CERTIORARI

Petitioner frames this case as presenting broad questions concerning off-campus speech and “cancel culture.” In fact, the Seventh Circuit’s fact-specific assessment of the summary-judgment record adheres to this Court’s long-established precedent and has little import beyond Petitioner’s individual case. The Seventh Circuit correctly determined that the District acted within its authority to dismiss Petitioner, after repeatedly imposing lesser discipline for disrespectful outbursts toward students, when her online speech, directly targeted at the District community, disrupted classes and relationships with current students, parents, and teachers, and, accordingly, the District’s ability to serve the public.

Petitioner seeks to manufacture a circuit conflict by, among other things, inaccurately claiming that the court of appeals adopted a test permitting viewpoint discrimination by government employers. But no court of appeals, including the court below, has endorsed viewpoint discrimination as a basis for dismissing a public employee. Where speech of public concern is a motivating factor in taking disciplinary action, the courts of appeals broadly agree that the proper inquiry is to examine whether the speech put the government’s ability to effectively and efficiently provide services at risk. Public response to and the tone of the employee’s speech are properly considered to the extent relevant to that question. The cases referenced by Petitioner do not apply materially

different legal standards. Instead, differing results are the product of different factual circumstances affecting different types of public entities with different public missions. This is precisely the nuanced and fact-sensitive approach called for by *Pickering*.

Petitioner alternatively argues that *Pickering* should be jettisoned in favor of blanket protection for all employee “off-campus” speech, no matter its effect on the public services the employer provides. But *Pickering* adopted a nuanced, fact-specific standard for good reason, and Petitioner offers no compelling reason to overturn decades of precedent recognizing the potential of “off-campus” speech to affect services. This Court has repeatedly and recently denied certiorari petitions seeking to challenge *Pickering*.

The Court should deny the petition.

I. There Is No Circuit Split Warranting This Court’s Review.

This Court’s existing precedents set forth a clear, administrable standard for addressing First Amendment challenges to adverse government employment actions. Courts first evaluate whether the employee in fact spoke as a citizen on a matter of public concern. If so, courts assess whether the public employer’s interests in providing effective and efficient public services under the particular circumstances outweighed the employee’s speech interests. *See Connick v. Myers*, 461 U.S. 138, 146-48 (1983); *Garcetti v. Ceballos*, 547 U.S. 410, 418-20 (2006). By both necessity and design, this inquiry is fact-specific and highly contextual. *See Connick*, 461 U.S. at 154.

Petitioner tries to manufacture a circuit conflict by saying courts are “reaching conflicting results” when applying *Pickering*. Pet. 32. Yet, in virtually the same breath, Petitioner acknowledges that any purported “conflict” in results may simply be “a product” of the fact that the courts *are* applying *Pickering*, a fact-specific “balancing test[].” Pet. 25.

The reality is that the circuits all apply the same, well-established test. Petitioner contends that courts “cannot agree on which types of facts matter and what weight they should be given.” Pet. 32. But the cases Petitioner cites are all clear as to what matters: Whether the speech disrupted, or posed a real risk of disrupting, the government entity’s ability to provide effective and efficient services. That courts reach different answers to this question in addressing different facts in different settings is not indicative of a circuit split. It merely demonstrates the fact-specific nature of the legal inquiry required.

Petitioner, nonetheless, makes three separate pitches at selling a circuit split. Each widely misses its mark. To claim a split, the Petition is forced to misrepresent the nature and rationale of the decision below, as well as the decisions of other courts of appeals.

Viewpoint Discrimination. Petitioner’s first pitch is that courts of appeals are divided as to whether “public employers may engage in viewpoint discrimination.” Pet. 27.

This is a baffling assertion. As Petitioner herself acknowledges, this “Court has ... made clear that ‘public employers [can]not use authority over

employees to silence discourse ... simply because superiors disagree with the content of employees' speech." Pet. 5 (quoting *Rankin v. McPherson*, 483 U.S. 378, 384 (1987)). Government employers have "discretion to restrict speech" solely based on its "potential to affect the entity's operations," not their opinion of its viewpoint. *Garcetti*, 547 U.S. at 418; see also *Rankin*, 483 U.S. at 384 (same). The court of appeals decision here is not to the contrary.

While Petitioner claims the Seventh Circuit blessed viewpoint discrimination, Pet. 27, the court in fact explicitly stated that the viewpoint of Petitioner's speech was "irrelevant to [its] decision." Pet. App. 16. Instead, the court held the school district permissibly terminated Petitioner's employment on the "undisputed" "objective evidence of significant disruption of workplace operations." Pet. App. 16-17; see also *infra* 29-34.

Petitioner's claim that the First Circuit allows viewpoint discrimination is similarly an empty charge. In *MacRae v. Mattos*, 106 F.4th 122, 140-41 (1st Cir. 2024), *cert. denied*, 145 S. Ct. 2617 (2025), the First Circuit held that a public employee's dismissal was appropriate based not on the employee's viewpoint, but on the "uncontroverted" and "ample" "evidence of disruption" stemming from the employee's speech. Directly contradicting Petitioner's portrayal, the court specifically held "that *nothing* in the record suggests Defendants terminated [plaintiff's] employment because of *any personal dislike or disapproval* of her posts (as opposed to for their stated concern of the posts' potential to disrupt the learning environment at [the school])." *Id.* at 140 (emphases

added). This Court subsequently denied certiorari.² 145 S. Ct. 2617 (2025).

Petitioner cites the Ninth Circuit’s decision in *Damiano v. Grants Pass School District*, 140 F.4th 1117 (9th Cir. 2025), as purportedly “reach[ing] the opposite result [from *MacRae*] on very similar facts.” Pet. 26. But the factual record in these two cases was not at all similar. The Ninth Circuit in *Damiano* reversed a grant of summary judgment to a school district because “material facts related to the magnitude of actual and predicted disruption ... [we]re genuinely disputed,” including, for example, that the school had not presented any “information about the nature of the[] complaints” it purportedly received or the identity of the complainants. 140 F.4th at 1143-44. This could not be farther from the “ample evidence” of disruption presented in *MacRae*, 106 F.4th at 141. The Ninth Circuit did not apply a different legal test than the First or Seventh Circuits; it simply reached a different result based upon a different evidentiary record.

As to the cases Petitioner cites as on the asserted-other side of the split, they apply the same test. Pet. 27-28. They simply reach a different conclusion as to whether there was any risk of disruption on the specific facts presented.

² In any event, there is no reason to grant certiorari to address the First Circuit standard, as it has since gone en banc to address its application of *Pickering*. See *Hussey v. City of Cambridge*, 149 F.4th 57 (1st Cir. 2025), *reh’g en banc granted, opinion withdrawn*, 165 F.4th 638 (1st Cir. 2026); see *infra* 20, 22.

Notably, only one concerns teacher speech in a K-12 public school environment. *Dodge v. Evergreen Sch. Dist. #114*, 56 F.4th 767, 773 (9th Cir. 2022). The result is different in *Dodge* than in the First and Seventh Circuit decisions because the facts were different: the teacher’s speech was not a diatribe broadcast to hundreds of the school’s community, but a hat worn in a “teachers-only” environment without incident that the teacher committed not to wearing “in class, around parents, or in front of kids.” *Id.* at 783 (quotation marks omitted). The Ninth Circuit found “no evidence of actual or tangible disruption to school operations” based on those specific facts, not based on any disagreement with other circuits over the relevance of viewpoint. *Id.*

The remaining cases Petitioner cites all address speech within the distinct “context of the college classroom,” not a K-12 community public school. *Meriwether v. Hartop*, 992 F.3d 492, 510 (6th Cir. 2021); see *Reges v. Cauce*, 162 F.4th 979, 1001 (9th Cir. 2025); *Jorjani v. N.J. Inst. of Tech.*, 151 F.4th 135, 138 (3d Cir. 2025). Courts have recognized a distinction between “a public university setting as opposed to that of a public elementary or high school,” where attendance is “[c]ompulsory,” the students are younger, and the environment is “strictly controlled.” *McCauley v. Univ. of the V.I.*, 618 F.3d 232, 242, 245-46 (3d Cir. 2010) (internal citations omitted). In any event, these decisions rule in favor of the employee not based on any divergent view concerning viewpoint discrimination, but based on the fact that the universities “documented no disruption” or substantial risk to effective services caused by the speech. *Jorjani*, 151 F.4th at 138; see *Reges*, 162 F.4th at 1003 (court

finding only “phantom evidence of disruption” without causal link to speech); *Meriwether*, 992 F.3d at 507 (“no suggestion that [the employee’s] speech ... hampered the operation of the school”).

These fact-specific rulings, based on distinct assessments of the evidence of disruption and risks to effective service, are in no way at odds with either the decision below or the First Circuit’s analysis in *MacRae*.

Community response. Next, Petitioner asserts a split over whether responses from the broader District community, who Petitioner terms “outsiders,” are relevant in assessing disruption. Pet. 28.

But the proper question under this Court’s precedent is not who responded to the speech—or whether they were “insiders” or “outsiders”—but whether the speech affected the government entity’s ability to provide effective and efficient public services. *See, e.g., Garcetti*, 547 U.S. at 418. And this Court’s precedent is clear that public response and perception can affect a government entity’s ability to provide services, even if that response comes from members of the broader community rather than, say, current employees or students. *See, e.g., Rankin*, 483 U.S. at 389 (approving of considering whether an employee’s statements risk “discredit[ing]” the entity in the eyes of the public); *Arnett v. Kennedy*, 416 U.S. 134, 162 (1974) (upholding law proscribing public-employee speech that “improperly damages and impairs the reputation and efficiency of the employing agency”).

Notably, not even Petitioner can articulate a coherent version of her proposed “insider vs. outsider” test. *See* Pet. 28-29. At points, Petitioner suggests that only current students qualify as “insiders” whose responses may be considered. *See* Pet. 28 (disagreeing with a Second Circuit decision that considered parental response). But such a rule would put unrealistic pressure on vulnerable minors to recognize and assert their interests, not to mention infringe upon the rights of parents. *See Melzer v. Bd. of Educ. of City Sch. Dist. of City of New York*, 336 F.3d 185, 199 (2d Cir. 2003) (explaining role of parents in a school); *cf. Mahmoud v. Taylor*, 606 U.S. 522, 547 (2025) (significant role of parental input in supervising education of minors).

At other points, Petitioner seems to admit current “parents, or teachers” as “insiders” too. Pet. 9, 13. But this arbitrary boundary also reflects a deeply incomplete understanding of a school’s services: Beyond serving students and parents, schools have a broader social and financial role in communities. *Mahmoud*, 606 U.S. at 562 (offering example of how counties “will levy property taxes and income taxes on all residents, regardless of whether they send their children to a public school”). Petitioner offers no reason why district residents—including parents of middle school and elementary students who will matriculate in high school in the future, volunteers associated with the school, and taxpayers that fund a school and vote on its levies—are categorically irrelevant to a school’s ability to function. Clearly, those community members have a stake in how the school operates.

In any event, Petitioner’s proposed insider-outsider distinction is academic in this case. The decision below did not need to address whether “outsider” response alone could establish “sufficient ‘disruption’ to justify restricting” Petitioner’s speech because that is not what the record showed. Pet. 28. The Seventh Circuit based its decision on its finding of “substantial disruption *among current students and faculty*”—i.e., those who are “insiders” even in Petitioner’s view. Pet. App. 17 (emphasis added). The undisputed record shows *other teachers* were complaining about the disruption to their classes caused by Petitioner’s posts. Pet. App. 12. The record demonstrates that the school received critical comments from current “parents, current students and staff.” Pet. App. 5, 26; *see also* Pet. App. 11, 24, 41-42. Moreover, the record shows that the Board’s decision was based on more than this one incident. Petitioner was repeatedly warned about her prior actions and language showing the lack of respect to students and to community members, and that any repeat of her lack of control could lead to discipline or termination. *See supra* 6-7; *infra* 28; Pet. App. 49-52.

The only other case Petitioner identifies that involves a school district employer similarly explains that a school’s community is necessarily broader than the current students. In *Melzer*, the Second Circuit held a school district met its burden under *Pickering* when it terminated a teacher who taught adolescent boys for advocating legal changes to “accommodate his professed desire to have sexual relationships with such children.” 336 F.3d at 199. In rejecting the teacher’s argument that the school’s consideration of parental anger rendered his termination a “heckler’s

veto,” the decision explained a “position as a teacher leaves” the holder uniquely “ beholden to the views of parents in the community.” *Id.* Parents are “participants in public education, without whose cooperation public education as a practical matter cannot function.” *Id.* Petitioner cites this case with disapproval, Pet. 28, but it would be a strange result indeed if the First Amendment barred schools from considering parental objections to a would-be pedophile teaching their children.

The remaining cases Petitioner identifies all concern police and fire departments. Unsurprisingly, those agencies with wholly different operational missions from schools apply different considerations in assessing what constitutes disruption of their services. *See, e.g., Melton v. City of Forrest City*, 147 F.4th 896, 903 (8th Cir. 2025) (explaining that there must be “a showing of how [the speech] *actually* affected the government’s ability to deliver ‘public services’—here, fighting fires and protecting public safety”). One of the cases Petitioner cites has been vacated pending circuit en banc review. *Hussey*, 149 F.4th 57. Two of the cases date back to the 1980s. *Berger v. Battaglia*, 779 F.2d 992, 1001 (4th Cir. 1985) (police); *Flanagan v. Munger*, 890 F.2d 1557 (10th Cir. 1989) (police). To the degree any in this forty-year span of cases differ in their analysis of the specific community relevant to the police or fire department operations at issue, any such disagreement is irrelevant to the specific school operations here.

Tone. In a last-ditch effort at identifying a split, Petitioner posits that courts are divided as to whether

the “tone” of an employee’s speech affects its protection under the First Amendment. Pet. 30.

But this Court’s precedents already establish how tone factors into the *Pickering* analysis: Courts should consider the “manner” of the speech as part of assessing “the state interest element of the test.” *Rankin*, 483 U.S. at 388. The manner of speech can include, among other things, whether it is “mocking, derogatory, and disparaging.” *MacRae*, 106 F.4th at 137; see, e.g., *Waters v. Churchill*, 511 U.S. 661, 668 (1994) (plurality op.) (explaining that the “tone [in which speech] was delivered” is part of “the factual basis for applying the test”).

Contrary to Petitioner’s portrayal, Pet. 30, the decision below did not turn on the fact that she used “vulgar language” or “joke[d] about excrement.” Pet. App. 14. The court specifically affirmed that her speech, no matter its tone, had “constitutional value.” *Id.* Consistent with this Court’s precedent, it considered her tone only when assessing “the District’s showing of substantial disruption” to its ability to effectively and efficiently perform its functions as a school. *Id.* Because Petitioner’s “role of public trust counsel[ed] ... for a ‘calm, reasoned presentation of her views,’” her coarse tone was directly at odds with her official role. *Id.* (citation omitted). Petitioner does not dispute that under established policy, as a teacher, Petitioner was required to maintain “just and *courteous* professional relationships with pupils, parents, staff members, and others” in the community and to behave in a way befitting a “role model,” and that she was warned not to do anything (including on social media) that would interfere with her duties “or

the school environment.” Pet. App. 25 n.5 (emphasis added). This was particularly true given Petitioner’s specific teaching responsibilities: As a social studies teacher, she was required to be able to make “calm, reasoned presentation[s]” concerning political events, including U.S. elections and political protests, “to be effective in the classroom and respected in the [school] community”—something she repeatedly demonstrated that she was no longer able to do. Pet. App. 14 (citation omitted). Her remarks therefore evinced “a character trait that made [her] unfit to perform her work.” *Rankin*, 483 U.S. at 389.

As to the Third Circuit decision that Petitioner contends discounts speech based on tone, Pet. 31, it in fact holds that tone is “irrelevant to the ‘public concern’ inquiry,” i.e., whether the speech is constitutionally protected, and relevant only to “ascertaining the existence and likelihood of disruption.” *Munroe v. Cent. Bucks Sch. Dist.*, 805 F.3d 454, 474 (3d Cir. 2015), *as amended* (Oct. 25, 2019). The only other decision Petitioner identifies as purportedly inappropriately considering tone has been vacated pending en banc review, as noted above. *See Hussey*, 149 F.4th at 65.

As to the cases on the other side of Petitioner’s purported split, none hold what Petitioner appears to propose: that the tone of the employee’s speech is irrelevant to the risk of disruption to government services. *See* Pet. 30. Indeed, all specifically identify and discuss the particular tone of the speech at issue. *See Noble v. Cincinnati & Hamilton Cnty. Pub. Libr.*, 112 F.4th 373, 378-79 (6th Cir. 2024) (“crude” and “highly offensive” nature of speech); *Reges*, 162 F.4th at 999

(“parodic manner” of speech); *Pryor v. Sch. Dist. No. 1*, 99 F.4th 1243, 1253 (10th Cir. 2024) (“offensive, vulgar manner” of speech). Their holdings turn on their findings that the speech, despite its tone, could not have been reasonably anticipated to cause disruption under the specific factual circumstances in each case. See *Noble*, 112 F.4th at 383 (librarian’s meme on Facebook “for less than a day” on account with “few Facebook friends”); *Reges*, 162 F.4th at 1003 (college professor’s syllabus statement that professor “spoke about ... in other contexts” with “no indication that disruption ensued”); *Pryor*, 99 F.4th at 1253 (school volunteer’s criticism of school caused “embarrassment,” not disruption).

In sum, there is no circuit conflict—on any of the three fronts Petitioner identifies—presented in this case or requiring the Court’s intervention.

II. Petitioner Offers No Other Substantial Reason For Revisiting *Pickering*.

Unable to support the claimed splits, Petitioner asserts in the alternative that this Court’s intervention is necessary to clarify *Pickering*—or to replace it altogether with a “test giving greater protection to off-campus speech.” Pet. 25; see Pet. 33 (similar). But no such intervention is warranted.

There is no need to revisit or replace *Pickering* to clarify that the location of an employee’s speech matters. This Court’s precedent is already clear that “the manner, time, and *place*” of the speech are all relevant in balancing the employee’s and employer’s interests. *Connick*, 461 U.S. at 152 (emphasis added).

Petitioner objects to the fact that *Pickering* requires balancing at all, calling instead for “categorical protection” for “off-campus speech.” Pet. 25, 33. But, while Petitioner favors categorical rules, the *Pickering* inquiry is fact-intensive for good reason. It is “[n]either appropriate [n]or feasible to lay down a general standard against which all [employee] statements may be judged” given “the enormous variety of fact situations in which critical statements by teachers ... may be thought by their superiors ... to furnish grounds for dismissal.” *Pickering v. Bd. of Educ.*, 391 U.S. 563, 569 (1968); *Connick*, 461 U.S. at 154 (same). This contextual examination is equally necessary for off-campus speech, which can occur in an enormous variety of situations with vastly different potentials to affect employer operations.

Take Petitioner’s situation as an example. While Petitioner now proposes counting her speech’s location as “miles from the schoolhouse gates,” Pet. 4, Petitioner wasn’t discharged for statements during an in-person conversation with a friend on the beach in Florida. She chose to express her thoughts *online*, i.e., in a medium defined by its ability to reach a mass audience far removed from the time and place of the original speech and to “go viral” as it is spread and shared by others. *See Liverman v. City of Petersburg*, 844 F.3d 400, 407 (4th Cir. 2016) (noting that speech on social media “increases the potential, in some cases exponentially, for departmental disruption”). And, given that Petitioner knowingly curated an audience comprised of hundreds of former students who she knew only through her employment with the District, her online speech was overwhelmingly directed

towards the school district community regardless of where she was physically located.

Moreover, artificially focusing solely on the location of the speech makes no sense. Plenty of “off-campus” speech still affects a public employer’s ability to provide goods and services. *See, e.g.*, Law Clerk Handbook 134 (4th ed. 2020) (“A judicial employee should refrain from partisan political activity,” including “mak[ing] speeches” endorsing or opposing political organizations). Imagine a social studies teacher who spent weekends marching in Ku Klux Klan rallies in front of student homes. Or take the high school PE teacher who devoted his free time to advocacy for legalizing his “self-described” desire to have sex with his students. *Melzer*, 336 F.3d at 189. Under Petitioner’s approach, a school district would be unable to respond to parent or student concerns about this man’s presence in the classroom as long as his advocacy occurred off campus.

Crucially, that off-campus speech *may* be relevant to public employment in some cases does not mean that it necessarily is. *Pickering* balancing merely allows courts and employers to consider the broader context of the speaker’s employment, rather than imposing a categorical rule one way or another. Here, that context includes multiple offensive incidents in the classroom itself and Petitioner’s specific role as a social studies teacher. Attempting to impose a categorical rule on these situations, rather than considering their actual context, would introduce the exact problems the contextual *Pickering* test was designed to avoid.

Adopting Petitioner’s proposed categorical exemption for off-campus speech would be contrary to decades of precedent. Petitioner is far from the first litigant to demand a brightline rule in her favor. This Court has consistently rejected such demands. *See, e.g., Lane v. Franks*, 573 U.S. 228, 242 (2014) (rejecting “categorical[] ... First Amendment protection”). And it has uniformly applied *Pickering* to public employee speech, regardless of whether made “off-campus” or in an employee’s spare time. *See, e.g., id.* at 236-38; *City of San Diego v. Roe*, 543 U.S. 77, 80-81 (2004) (per curiam); *see also MacRae*, 145 S. Ct. at 2617-20 (Thomas, J., respecting the denial of certiorari). There is no historical support or analogue for a location-based categorical exception. *See MacRae*, 145 S. Ct. at 2621 n.2 (Thomas, J., respecting the denial of certiorari); Br. of Cato Institute as Amicus Curiae in Support of Pet’r 5 (acknowledging that “[t]he First Amendment did not always protect public employees,” and that *Pickering* was this Court’s first recognition that the Constitution extends to public work relations).

Nor is there support in the Court’s recent decisions for Petitioner’s position. Indeed, this Court has recently affirmed that categorical rules have limited application in the context of First Amendment protections in school environments—including where off-campus speech is concerned. Petitioner and her amici rely heavily on *Mahanoy Area School District v. B.L.*, but that case—in addition to involving student, not teacher speech—specifically declined to “set forth a broad, highly general First Amendment rule stating just what counts as ‘off campus’ speech and whether or how ordinary First Amendment standards must

give way off campus,” recognizing “a school’s special need ... [for] the protection of those who make up a school community.” 594 U.S. 180, 189 (2021). For good reason, then, this Court has repeatedly and recently declined to revisit the *Pickering* line of cases on petitions presenting questions similar to this one. *See, e.g., Adams v. Sacramento Cnty.*, No. 25-672, 2026 WL 490783 (U.S. Feb. 23, 2026); *MacRae*, 145 S. Ct. 2617; *Billioni v. Bryant*, 142 S. Ct. 1228 (2022); *Bennett v. Metro. Gov’t of Nashville & Davidson Cnty.*, 141 S. Ct. 2795 (2021); *Henry v. Johnson*, 141 S. Ct. 669 (2020). The same result is warranted here.

III. This Case Is A Poor Vehicle.

This case also provides an inappropriate vehicle for addressing the questions presented.

First, as explained above, this case does not present an opportunity to address *any* of the issues Petitioner (wrongly) claims have divided the courts of appeals. It does not approve viewpoint discrimination. It found the District’s termination decision proper based on the ample evidence of disruption Petitioner’s speech caused, specifically noting that the views she expressed were irrelevant. It did not base its decision on objections from “outsiders,” but cited disruption involving those who qualify as community members even under Petitioner’s standards: current parents, students, and teachers. Finally, the court did not dismiss Petitioner’s speech based on tone, but found it fully constitutionally protected. Even if there were disagreement among *other* circuits on any of the points Petitioner identifies, then, this case would not

provide the Court with a vehicle to clarify those issues.

Second, contrary to Petitioner's portrayal, her dismissal was not based solely on her "off-campus" speech, but was inextricably connected to Petitioner's disciplinary history, which included multiple *on*-campus incidents showing inappropriate judgment and lack of respect. Pet. App. 13, 45-46. When Petitioner wrote the Facebook posts at issue, she had twice been suspended for her disrespectful and inappropriate language in the classroom with students, and twice warned that she could face termination for further in-temperate, disrespectful exchanges. Pet. App. 51-52. The District's dismissal decision expressly rested on the "three occasions" collectively. Pet. App. 52. They were also "[c]ritical[]" to the Seventh Circuit's analysis. Pet. App. 13 ("The District was not required to wait around for a fourth violation.").

This case therefore does not offer a vehicle for what Petitioner frames as the question presented: when public employees can be disciplined for entirely off-campus speech.

Third, Petitioner's claims are independently barred by collateral estoppel. Under applicable Illinois law, collateral estoppel applies if "(1) the issue decided in the prior adjudication is identical with the one presented in the suit in question, (2) there was a final judgment on the merits in the prior adjudication, and (3) the party against whom estoppel is asserted was a party or in privity with a party to the prior adjudication." *Gumma v. White*, 833 N.E.2d 834, 843 (Ill. 2005). During a full evidentiary hearing, Petitioner

elected to bring the exact First Amendment claim she now asserts in federal court. Before the administrative hearing process was completed, she filed suit in federal court. After she received an adverse decision, Petitioner could have sought judicial review of the determination, but opted not to do so. The district court properly determined that, having fully litigated the issue to a final judgment under state law, Petitioner was barred from relitigating the factual conclusions underlying the state judgment.

While issue preclusion applies only to facts resolved at the agency level, the agency's factual findings as to the degree of disruption experienced in the District are inextricably connected to the *Pickering* inquiry here. *See* Pet. App. 34-35. This complication is a direct result of Petitioner's own litigation strategy, and makes this a poor vehicle for this Court to take up for further review.

IV. The Fact-Bound Decision Below Is Correct And Of Limited Importance.

Finally, review is unwarranted because the Seventh Circuit properly affirmed the grant of summary judgment based on the factual record presented. Its fact-specific holding, resting on the "unrefuted, objective evidence of significant disruption of workplace operations," Pet. App. 16-17, is both correct and, because it is so fact-specific, of little importance beyond Petitioner's individual case.

1. The Seventh Circuit properly applied this Court's precedents that make clear that the manner, nature, and tone of Petitioner's speech could be

considered as part of the contextual assessment of its effect on the effective and efficient provision of services to the public. As *Connick* explained, “the employing agency’s institutional efficiency may be threatened not only by the content of the employee’s message but also by the *manner*, time, and place in which” the speech in question occurs. 461 U.S. at 153 (emphasis added); *see also, e.g., Rankin*, 483 U.S. at 388, 390 (“manner, time, ... place,” and “context,” of speech are relevant, as is the “employee’s role”).

That is precisely what happened here. It was not the viewpoint expressed in Petitioner’s speech, but its *manner* that led to the disruption of the District’s ordinary activities and, ultimately, her termination. The District’s bill of particulars makes clear that it terminated Petitioner for using language—both on campus and in her Facebook posts—that was “inappropriate for [her] role as a teacher,” including language that was “vulgar” and had a “threatening tone.” Pet. App. 52. Petitioner’s public calls for violence and for spraying excrement on those whose views she disagreed with, and her public derision of viewpoints different from hers, further eroded her ability to effectively serve in her role as a social studies teacher.

The District’s concern was particularly acute given that this incident came on the heels of Petitioner being repeatedly warned to express herself respectfully after prior profane invectives in the classroom and otherwise disrespectful treatment of others’ views, whether they concerned the

presidential election or the homework assigned.³ Given these three incidents, the District had more than a reasonable basis to doubt that Petitioner could be trusted to communicate respectfully, as necessary to serve as a role model and effective instructor for students. That considered judgment is entitled to “substantial weight” and deference. *Waters*, 511 U.S. at 673 (plurality op.); *see also Connick*, 461 U.S. at 151-52 (“When close working relationships are essential to fulfilling public responsibilities, a wide degree of deference to the employer’s judgment is appropriate.”).

The manner in which a message is conveyed, whatever its viewpoint, can be especially significant where the speaker is a grade school or high school teacher and the audience includes students. As this Court has explained, the government has a “legitimate interest[] in ... ‘maintain[ing] proper discipline in public service,’” *Lane*, 573 U.S. at 242, and this interest extends to “protecting minors from exposure to vulgar and offensive spoken language” in the educational context, *Bethel Sch. Dist. No. 403 v. Fraser*, 478 U.S. 675, 684 (1986). It was in this context that the District and the court weighed the tone of Petitioner’s

³ Notably, in addressing Petitioner’s repeated disciplinary incidents, the District consistently stressed her inappropriate manner of speaking, not the viewpoints she expressed. The District never took issue with the content or viewpoint of Petitioner’s description of the 2016 election. Instead, she was suspended for her use of “profanity” in expressing her views in a “highly emotional” *manner*. Pet. App. 51. Similarly, Petitioner’s termination rested in part on her use of profanity and inappropriate emotion in “yell[ing]” at a student about “fucking homework.” Pet. App. 2, 52.

messages, and took into account Petitioner’s employment as a teacher which required her to interact with “students of all backgrounds and races.” Pet. App. 51.

Because a public community schoolteacher “must maintain public trust and respect to be effective,” it was proper for the Board to consider whether Petitioner’s open disparagement of those with other views affected those relationships and impeded Petitioner’s ability to do her job. Pet. App. 11.

Petitioner cites the bill of particulars’ statement that her “‘racially charged’ comments” were “inconsistent with the values the District upholds” as evidence of viewpoint discrimination. Pet. 20; *see* Pet. App. 51. “Charged” means “possessing or showing strong emotion.” Merriam-Webster Dictionary (11th ed. 2025). A statement expressing a view opposite from Petitioner’s could be equally “racially charged,” or “biase[d],” especially if it involved profanity and derogatory slurs. It was the fact that it was “charged” that made it inconsistent with the District’s values, which require that teachers “not use an angry, agitated or threatening tone,” and treat others “in a professional and respectful manner.” Pet. App. 52.⁴

⁴ Petitioner also claims that she was told that her speech was “disrespectful, demeaning, dismissive of other viewpoints, and racist.” Pet. 2. The language Petitioner quotes in fact comes from a paragraph of Defendant’s Statement of Facts that Petitioner disputed. *See* Pet. App. 95. As quoted in full in the disputed paragraph, the statement was not an expression of Petitioner’s employer’s opinion about her posts, but a recounting of her supervisor’s unsuccessful effort to explain to her how others might see the posts. Pet. App. 95 (“Dr. Small felt ... that Hedgepeth displayed no understanding or appreciation for the

2. Petitioner’s other efforts seeking to undermine the correctness of the court of appeals ruling are all equally without merit.

a. Petitioner argues that the Seventh Circuit “diminished the import of the ‘manner, time, and place’ of [her] speech.” Pet. 24. But, as discussed above, the court fully considered the time, place, and manner of her speech in its analysis. The court expressly noted that Petitioner’s speech in the final incident before her termination was made “on a private personal Facebook account,” and that speech “made outside of the workplace may be less disruptive to the efficient functioning of the office” in some circumstances. Pet. App. 15 (quotation marks and citation omitted). But this was not such a circumstance. The specific composition of Petitioner’s Facebook network—which was wholly within her control—meant that Petitioner, while herself physically outside of her workplace, was addressing an audience that was 80% work contacts, and over 600 of them in total. And it was considered in the context of a pattern of behavior that included incidents in the classroom itself. The Seventh Circuit properly recognized that these factors rendered “any claim to private speech” “illusory.” Pet. App. 15.

b. Petitioner contends the Seventh Circuit held that her speech was “entitled to less protection” because she used “‘vulgar language’ and ‘jokes’” and lacked “[s]pecial[ized] knowledge.” Pet. 22. To the contrary, the court was clear that Petitioner’s speech had

fact that many people who saw her posts might—and in fact did—see them as disrespectful, demeaning, dismissive of other viewpoints, and racist.”).

“constitutional value” and fully “implicates the First Amendment.” Pet. App. 13-14; *see supra* 8-9, 21.

The references to specialized knowledge and jokes Petitioner misleadingly cites come from the court’s discussion rejecting Petitioner’s argument that her speech was so “vital” that any level of disruption it caused in the District was irrelevant. Pet. App. 13. The court explained that, while in some cases an employee’s expressive interests might outweigh any level of disruption, such as where an employee was unveiling “misconduct” or “testif[ying] to the existence of corruption,” Petitioner’s interests in speech she herself “described ... as either jokes or as sharing the views of others, not her own,” did not outweigh “the District’s showing of substantial disruption.” Pet. App. 14.

c. Finally, Petitioner contends the Seventh Circuit erred “by grounding [its finding of] ‘disruption’ in complaints from people who did not claim to be students, parents, or employees at Palatine.” Pet. 24. Again, this argument rests on an illusory distinction between “insiders” and “outsiders” in a public-school community. *See supra* 17-19.

But even if there were such a distinction relevant to the analysis, Petitioner’s “heckler’s veto” argument rests on a false premise: that the District acted primarily in response to “outsider” complaints. Pet. 2, 24. The decision’s finding of disruption focuses largely on students, parents, and staff—the very “insiders” Petitioner argues should carry more weight. Fellow teachers documented summer school classroom disruptions. Pet. App. 12. Students and parents

submitted many complaints, with some parents threatening to pull their children from Petitioner's class. *See supra* 5, 19.

As the Seventh Circuit court explained, parents and students “are not outsiders seeking to heckle [Petitioner] into silence,” but rather “participants in public education, without whose cooperation public education as a practical matter can-not function.” Pet. App. 16 (citation omitted). There is a difference between a “heckler’s veto,” which silences speech simply to avoid offense, and what we have here: proper consideration of risks to the public trust and cooperation that school districts depend on to provide an effective education to their students.

For this reason, Petitioner’s repeated references to First Amendment cases in other contexts miss the mark. *See, e.g.*, Pet. 3, 16. It is one thing for the Government to censor speech in a public setting “simply because it is upsetting,” *Snyder v. Phelps*, 562 U.S. 443, 458 (2011), or “offensive or disagreeable.” *Texas v. Johnson*, 491 U.S. 397, 414 (1989). It is very different to propose, as Petitioner and Amici do, that the reasonable reactions of parents and students in a school environment are completely irrelevant when the speech in question comes from a teacher with whom they must interact on a daily basis. *See Mahanoy*, 594 U.S. at 187 (“[C]ourts must apply the First Amendment in light of the special characteristics of the school environment.”); *see also Locurto v. Giuliani*, 447 F.3d 159, 183 (2d Cir. 2006) (“The First Amendment does not require a Government employer to sit idly by while its employees insult those they are hired to serve and protect.”). In the educational

context, a school board can properly take into account whether a teacher speaks to the students and the broader community with respect, whether the teacher can be trusted to exercise good judgment, and whether the teacher, through their words and actions, has made students and parents feel disrespected, belittled and unsafe. *See supra* 31-32.

2. In sum, the Seventh Circuit’s holding reflects an ordinary application of *Pickering* balancing to the specific facts presented. Accordingly, it has limited importance beyond the facts here.

Petitioner makes grandiose claims of chilling effect on the speech of “millions of public employees” across the country. Pet. 15. Hardly. The District’s decision to terminate Petitioner’s position as a high school social studies teacher after she repeatedly demonstrated that she could not reliably engage in civil discourse with those of different views has no relevance, let alone risk, to public employees as a whole.

The decision below is appropriately specific to Petitioner’s job responsibilities as a high school social studies teacher. *See supra* 21-22, 31-32. The decision says nothing about the limits of permissible speech for any other type of public employee. *See Rankin*, 483 U.S. at 390 (noting relevance of employee’s specific “role”). Indeed, it sets no rule as to the limits of permissible speech for high school social studies teachers generally either: Its holding rests on Petitioner’s specific disciplinary history—both the prior incidents in the classroom itself, and her failure to modify her behavior in response to discipline short of termination.

Nor did the decision below issue any far-reaching conclusion as to public employee social media use. Its analysis was specific to Petitioner’s individual social media account, and turned on the fact that it—at Petitioner’s design—had an audience 80% of whom Petitioner met through her public employment, and an unknown number of whom had continued family and community connections to the school. In reaching its holding, the Seventh Circuit made no pronouncements about the use of social media in other settings.

As such, the Seventh Circuit engaged in ordinary *Pickering* balancing, applying routine factors that this Court has instructed as relevant when considering constitutionally protected speech against government employer interests. Its conclusion had a great deal of importance for Petitioner, but has little for anyone else.

CONCLUSION

The petition should be denied.

Respectfully submitted,

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