



Importance of designated public forum status

1. There is no requirement that any government agency establish a forum of any kind.
2. But once a government does establish a forum, it cannot dictate the content of that forum.
3. Jurisprudence sees three types of forums: open, limited, closed.
4. The closed forum is a place that traditionally has not been open to public expression. Examples, in schools, could be newsletters or other means of communication not open to public use. So long as restrictions are reasonable and not based on a desire to suppress certain viewpoints, the government may close public access to them.
5. The open or traditional public forum is a place with a long history of expression, such as a public park or street corner. The government can only impose content-neutral time, place and manner restrictions on speech in this forum. To override the open, public forum status, the government would have to show a compelling interest.
6. The limited forum has the most problematic history. It is a place with a limited history of expression activity, usually only for certain topics or groups. A meeting hall or public-owned theater are examples. The government may limit access when setting up a forum, but may still not restrict expression unless there is a compelling interest. Schools, as government institutions, may, by “policy or practice” open student media for indiscriminate use by the public or some segment of the public.
7. A designated public forum enables students to make decisions of content, thus empowering them to practice critical thinking and civic engagement roles.

8. Educational value of the designated open forum is mirrored by the fact most schools have mission statements identifying these as essential life skills for students to learn while in school.

9. Prior review and a lack of trust in the product (students) schools are expected to produce undermines the very missions school officials say are among their most important.

10. Studies have clearly shown that students, and communities in general, do not understand the importance of the First Amendment. One reason may be that students are not allowed to practice what they are taught while in schools and thus do not believe the theories of the democratic system.