
guardian.co.uk

Student sues following suspension for allegedly cyberbullying teacher

McClatchy newspapers

guardian.co.uk, Wednesday December 10 2008 16.04 GMT

A [larger](#) | [smaller](#)

It was a Friday night, and Katherine Evans, a senior at Pembroke Pines Charter High, was fed up with her English teacher.

To vent her frustrations, she logged onto [Facebook](#) and started typing.

"Ms Sarah Phelps is the worst teacher I've ever met!" she wrote. "To those select students who have had the displeasure of having Ms Sarah Phelps, or simply knowing her and her insane antics: Here is the place to express your feelings of hatred."

Two months later, Evans - an honours student with no disciplinary problems - was suspended for three days for cyberbullying and disruptive behavior, pulled out of her Advanced Placement classes and "forced into lesser-weighted honors classes," according to a federal lawsuit filed on her behalf this week by the American Civil Liberties Union.

Evans, 18, of Pembroke Pines, Florida, is now a freshman at the University of Florida - and worried that the stain on her academic record will hurt her when she applies for graduate school and jobs.

"She was suspended for cyberbullying, and that certainly sounds pretty bad," said her attorney, Matthew Bavaro. "This is something that could obviously become an issue for her."

The lawsuit, filed on Monday against the school principal, Peter Bayer, claims he violated the teenager's constitutional rights, including the free exchange of ideas and opinions in the public arena.

Although Pembroke Pines Charter High is run by the city, it follows the same disciplinary guidelines as Broward County Public Schools, said Pamela Brown, an assistant director for the school district who oversees expulsions.

Brown said the punishment was appropriate - and that Evans would have faced the same action had she been a county high school student.

"It was almost like a personal attack on the teacher," Brown said. "The principal used the district's code book and policy and suspended the student." The legal action seeks no money damages. Instead, it is intended to have the suspension permanently removed from the teenager's record, Evans's attorneys say.

Neither Phelps, Bayer nor Pembroke Pines's city manager, Charles Dodge, who oversees the charter school, returned calls seeking comment.

The ACLU says Evans's case is a solid one.

"Her posting posed no credible threat or any harm," said Maria Kayanan, associate legal director for the ACLU of Florida. "It was her own view about this particular teacher and an invitation for others to express their views."

The incident started in November 2007, when Evans created the anti-Phelps rant on the social

networking site.

"She had a personality conflict with the teacher," Bavaro said. "She didn't like her. She didn't feel like Phelps was doing the best job that could be done."

Evans posted her complaints about Phelps, along with a yearbook photo of the teacher, and sought comments from other students.

Three classmates responded - praising Phelps and chiding Evans.

"Mrs Phelps is one of the most amazing teachers I've ever had, and there's plenty of people who agree with me," wrote one student. "Whatever your reasons for hating her are, they're probably very immature."

Fiorella Bazan, a 2007 graduate of Pembroke Pines Charter High, also fired back.

"You may think she's a terrible teacher, but you could never imagine how much she's taught me," Bazan wrote. "You're only asking for trouble with this group of yours."

Two days after creating the page, Evans took it down of her own free will. She went on with her life at school, where she wrote for the school newspaper and was involved in other extracurricular activities. Evans remained in Phelps's class.

Two months passed until Bayer notified Evans that she was being suspended for "bullying and cyberbullying harassment toward a staff member", according to the lawsuit.

Alexis Andres, one of the former charter school students who defended Phelps on the Facebook page, said Evans received appropriate punishment.

"She made her dislike for her far too public," said Andres, 19, now a student at Florida State University. "She messed up."

But Evans and her attorneys say she was exercising a fundamental right of free speech.

"There were no threats made by Katie to the teacher or any of the school staff, nor did she condone any type of illegal activity," Bavaro said.

Evans finished the school year and graduated in May, among the top 20 students in her class. She is attending University of Florida, where she is currently taking exams and was unavailable for an interview.

guardian.co.uk © Guardian News and Media Limited 2008