

**Statement of ACLU of PA Legal Director Witold Walczak (the Layshock's lawyer)**

January 31, 2006

While the court acknowledged that Justin “appears to be out of place” in the alternative education program, we’re sorry the judge did not agree that removal from the classroom, restricted access to teachers, placement with underachieving students, and less than half-time in school would cause Justin irreparable harm.

We’re also disappointed that the court did not view the student discussions that accompanied the posting of Justin’s and three other far-more-vulgar websites as similar to discussions that students have all the time about other matters, like when a student gets pregnant, a school team wins a big game or, these days, Steeler mania.

Kids talking about things and being excited in school does not justify punishing a student for non-threatening speech posted on the Internet from a home computer. We are confident that once all the facts emerge, the school district’s claimed disruption will be proven to be greatly exaggerated.

The ACLU is reviewing legal options and will determine a course of action in the coming days. The case is far from over.