RECOMMENDED FOR PUBLICATION
Pursuant to Sixth Circuit I.O.P. 32.1(b)

File Name: 26a0300p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

STEFANIE BOONE,

Plaintiff-Appellant,

v.

LOWELL AREA SCHOOLS; NATE FOWLER, in his official capacity as Superintendent of Lowell Area Schools; DAN VANDERMEULEN, in his official capacity as Assistant Superintendent of Curriculum for Lowell Area Schools; STEVE GOUGH, in his official capacity as Principal of Lowell High School; JACOB STROTHEIDE, in his official capacity as Assistant Principal of Lowell High School; ABBY WISEMAN, in her official capacity as Principal of Lowell Middle School; RON ACHESON, in his official capacity as Assistant Principal of Lowell Middle School; CHRISTINE BEACHLER, in her official capacity as Lowell Area Schools Library Media Director,

Defendants-Appellees.

No. 25-1948

Appeal from the United States District Court
for the Western District of Michigan at Grand Rapids.
No. 1:24-cv-00582—Paul Lewis Maloney, District Judge.

Argued: July 23, 2026

Decided and Filed: November 10, 2026

Before: DAVIS, MATHIS, and RITZ, Circuit Judges.

COUNSEL

ARGUED: Matthew S. DePerno, DEPERNO LAW OFFICE, PLLC, Portage, Michigan, for Appellant. Bogomir Rajsic, III, MCGRAW MORRIS MASUD, Grand Rapids, Michigan, for Appellees. **ON BRIEF:** Matthew S. DePerno, DEPERNO LAW OFFICE, PLLC, Portage,

Michigan, for Appellant. Bogomir Rajsic, III, MCGRAW MORRIS MASUD, Grand Rapids, Michigan, for Appellees.

DAVIS, J., delivered the opinion of the court in which MATHIS, J., concurred. RITZ, J. (pp. 19–23), delivered a separate opinion concurring in part and dissenting in part.

OPINION

DAVIS, Circuit Judge. Stefanie Boone, mother of three children enrolled in Lowell Area Schools (the "School District" or the "District"), habitually criticized the District's curriculum and alleged that some administrators and teachers pushed a political agenda she opposes—promoting things like diversity, equity, and inclusion ("DEI"), social emotional learning ("SEL"), and social justice issues. Her social media posts caught the eye of Lowell Area High School's principal, who "request[ed]" that she stop referencing District employees and warned that her failure to comply might "result in further action including . . . all available legal remedies." Boone resorted to her own legal remedies, filing this lawsuit under 18 U.S.C. § 1983, asserting violations of her First and Fourteenth Amendment rights and several other federal and state law claims. Defendants moved to dismiss, and the district court granted that motion. But because Boone has plausibly pleaded a First Amendment violation—though no other federal claim—we will affirm in part, reverse in part, and remand for further proceedings.

I.

A. Factual Background

Plaintiff Stefanie Boone is a certified teacher, frequent attendee of school board meetings, and the mother of three children enrolled in the District. She describes herself as "actively involved in her children's education." (Am. Compl., R. 20, PageID 287, ¶ 40). Consistent with that description, she serves as the moderator of a Facebook page called "Lowell Kids 1st," where she and other parents discuss District-related happenings and issues. In July 2021, Boone published on that page the first in a series of posts denouncing the District's alleged promotion of

"DEI, SEL, social justice issues, alternate sex and gender ideologies, and other liberal political ideology." (*Id.*, PageID 294, ¶¶ 60–61).

For the next two-and-a-half years, Boone continued apace, posting a flurry of criticisms and calls to action, railing against DEI trainings, vexillologic selections, and the library catalog's inclusion of purportedly "sexually explicit" and "not age appropriate" books. (*Id.*, PageID 294–303, ¶¶ 61–99). Her messages often referenced specific District employees, such as Lowell Area Middle School principal Abby Wiseman, Lowell Area Schools librarian Christine Beachler, and Lowell Area High School teacher Sarah Ellis. Of particular note, in early 2024, Boone posted a link to an article about Ellis and wrote: "Christ said, 'Whoever causes one of these little ones who believe in me to sin, it would be better for him to have a great millstone fastened around his neck and drowned in the depth of the sea.'" (Am. Compl., R. 20-7, PageID 459 (quoting Holy Bible, *Matthew* 18:6)).

In response, Lowell Area High School principal Steve Gough sent Boone a letter dated January 19, 2024. The letter stated that Boone's most recent post could "be construed as threatening in nature." (*Id.*, PageID 475). As a result, Gough felt "compelled to request that [Boone] immediately cease and desist from any reference to any Lowell Area Schools employee on social media and/or other public communication platforms." (*Id*. (emphasis omitted)). And he added that "[f]ailure to comply with this request [would] be perceived as a deliberate and inappropriate act against the involved staff and the District . . . and may result in further action including but not limited to all available legal remedies." (*Id.*). Moreover, to "ensure a safe and appropriate environment for all students and staff," Gough "direct[ed] that [Boone] have no contact with [school] staff without prior permission from the involved building principal or the superintendent." (*Id.* (emphasis omitted)). "Failure to comply with this directive," he warned, could "result in further restrictive action including but not limited to an order of no trespass prohibiting [Boone's] presence at all school functions." (*Id.*). He closed on a conciliatory note, propounding a commitment "to working constructively and in good faith" and "encourag[ing] [Boone] to reach out to the appropriate administrators" with her "questions or concerns." (*Id.*).

"[F]ear[ful], embarrass[ed], and humiliate[ed]," (Am. Compl., R. 20, Page ID 307, ¶ 115), Boone turned to the School Board for assistance. At a March 11, 2024 meeting, she

informed Board members that "Gough had silenced her" and asked them to intervene. (*Id.*, PageID 304, ¶ 106). At a subsequent meeting, on April 8, 2024, Gough denied that he had silenced Boone. To the contrary, he said, his letter simply "request[ed]" that she: (1) "stop directly referencing staff in her social media because of her repeated posts that staff perceive[d] as derogatory, disparaging, and disrespectful" and (2) "have no contact with staff prior to permission from the involved principal or superintendent." (*Id.*, PageID 305, ¶ 107). He defended this approach as necessary to "protect [] staff from any further inappropriate behavior" and consistent with the First Amendment, which he explained does not confer the "right to bullying, harassment, or misinformation." (*Id.*).

Four days later, Boone emailed Jeff Larsen, her child's AP English Literature and Composition teacher, to protest the course's inclusion of Margaret Atwood's *The Handmaid's Tale*. Larsen forwarded the email to Gough, who responded on April 16, 2024. Gough reminded Boone that she "should not have direct contact with staff without prior permission from the involved principal" and informed her that the District selected *The Handmaid's Tale* for the AP English curriculum because of "its literary merit" and "support of the course goals." (Am. Compl., R 20-8, PageID 479). Boone sent a follow-up to Larsen who, again, forwarded it to Gough. In response to this second email, Gough reiterated that Boone should not contact "staff without prior permission from the involved principal" and rejected her offer to "find" an alternative, less controversial "piece of literature" that would fulfill the AP English course's "benchmarks and requirements." (*Id.*, PageID 481–82).

A little over a month later, in apparent compliance with Gough's directive, Boone emailed middle school principal Wiseman to request a meeting with one of her son's teachers. Wiseman denied the request to meet with the teacher but offered to meet with Boone herself or broker a meeting between Boone and assistant principal Ron Acheson. Since then, Boone has "refrain[ed] from speaking to her children's teachers or making public comments." (Am. Compl., R. 20, PageID 308, ¶ 118).

B. Procedural Background

Boone brought this action against Lowell Area Schools, Nate Fowler, Dan VanderMeulen, Steve Gough, Jacob Strotheide, Abby Wiseman, Ron Acheson, and Christine Beachler, with each individual sued in his or her official capacity (collectively, "Defendants"). She asserted First and Fourteenth Amendment violations pursuant to 42 U.S.C. § 1983, a Title IX violation, and state law breach of fiduciary duty claims and requested declaratory judgment.

Defendants moved to dismiss the Amended Complaint for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), and the district court acquiesced. It divined from Boone's admittedly meandering complaint two policies that she alleged as unconstitutional, both articulated in the January 19 letter from Gough. The first (the "Social Media Policy") "request[ed] that [Boone] immediately cease and desist from any reference to any Lowell Area Schools employee on social media and/or other public communications platforms." (Am. Compl., R. 20-7, PageID 475 (emphasis omitted)). The second (the "Communication Policy") "direct[ed] that [Boone] have no contact with [District] staff without prior permission from the involved building principal or the superintendent." (*Id.* (emphasis omitted)). Neither policy, the court concluded, impermissibly banned or restrained Boone's speech. Rather, the Social Media Policy "merely request[ed]" Boone's cooperation, and the Communication Policy "regulated only *to whom* Boone could relay messages." (Dist. Ct. Op., R. 31, PageID 923, 924).

As for the balance of the Amended Complaint, the district court dismissed the official capacity claims as duplicative of claims brought against the School District,[1] rejected the alleged violations of the Fourteenth Amendment and Title IX, and—with the federal causes of action excised—declined to exercise supplemental jurisdiction over the state law claims for breach of fiduciary duty. On appeal, Boone asks us to revive her First Amendment, Fourteenth Amendment, and Title IX claims against the District.

[1]Boone does not question the district court's dismissal of the individual defendants, so we analyze her claims only as to the School District. And because the School District cannot assert qualified immunity, we need not address that issue. *See Richko v. Wayne County*, 819 F.3d 907, 914 (6th Cir. 2016) (explaining that "[a] municipality, unlike [an] individual defendant[], is not permitted to raise qualified immunity as a defense"), *abrogated on other grounds by*, *Brawner v. Scott County*, 14 F.4th 585, 591–97 (6th Cir. 2021).

II.

This appeal arose from the district court's order granting Defendants' motion to dismiss under Rule 12(b)(6), so we conduct de novo review, taking the facts as Boone alleges them and drawing all reasonable inferences in her favor. *See Bickerstaff v. Lucarelli*, 830 F.3d 388, 395–96 (6th Cir. 2016). Boone will prevail if those facts, in the aggregate, raise "a claim to relief that is plausible on its face." *Id.* at 396 (citation omitted). Importantly, while we must typically assume a world as portrayed within the four corners of the complaint, *see Elec. Merch. Sys. LLC v. Gaal*, 58 F.4th 877, 883 (6th Cir. 2023), we may, in this instance, enhance that picture with information gleaned from the materials Boone attached as exhibits because those have become "part of the pleading for all purposes," *Moyer v. Gov't Emps. Ins. Co.*, 114 F.4th 563, 567–68 (6th Cir. 2024) (quoting Fed. R. Civ. P. 10(c)).

III.

Boone's complaint teems with extraneous information and conclusory proclamations. But prune the layers and what lies at the heart are the two policies articulated in Gough's letter (*i.e.,* the Social Media Policy and the Communication Policy). And the question is whether these policies, as alleged, plausibly violate the First Amendment, Fourteenth Amendment, or Title IX.[2]

A. First Amendment Claims

We begin with Boone's claim that the Social Media Policy and Communication Policy constitute prior restraints and bans on free speech in contravention of the First Amendment.

1. Prior Restraint

Courts have traditionally used the term "prior restraint" "to describe administrative and judicial orders forbidding certain communications when issued in advance of the time that such communications are to occur." *Alexander v. United States*, 509 U.S. 544, 550 (1993) (emphasis omitted) (quoting Melville Nimmer, Nimmer on Freedom of Speech § 4.03, 4–14 (1984)).

[2]Boone's reply brief argues that the district court overlooked her claim that the School District violated the First Amendment when it blocked her on social media. But there was nothing to overlook. Boone did not raise this claim before the district court, nor did she adequately develop it on appeal. She has, therefore, forfeited it, and we decline to consider it. *See Keene Grp., Inc. v. City of Cincinnati*, 998 F.3d 306, 318 (6th Cir. 2021).

Paradigmatic examples include "[t]emporary restraining orders and permanent injunctions." *Id.* But we have also recognized prior restraints that arrive in less formal garb. *See Novak v. City of Parma*, 932 F.3d 421, 433 (6th Cir. 2019). A public employer may, for instance, "adopt employee-targeted 'prior restraints' on speech by prohibiting employees from speaking about certain topics in the *future* (on the threat of discipline)." *Blick v. Ann Arbor Pub. Sch. Dist.*, 105 F.4th 868, 878 (6th Cir. 2024). Or, pertinent here, a communication from a public official may impose a prior restraint if accompanied by a viable "threat[] to take legal action." *Novak*, 932 F.3d at 433. The First Amendment is indifferent to the form of the restriction so long as it bears the imprimatur of the State and poses a "legal impediment" to expression. *Alexander*, 509 U.S. at 551. At the pleading stage, then, to sustain a claim under § 1983, a plaintiff need only plausibly allege that something cognizable as an "administrative order" has preemptively silenced her protected speech. *See id.* at 550; *Novak*, 932 F.3d at 432–33; *cf. Susselman v. Washtenaw Cnty. Sheriff's Off.*, 109 F.4th 864, 870 (6th Cir. 2024) (explaining that a plaintiff bringing a § 1983 claim must "show that a person acting under the color of state law deprived [her] of [a constitutional] right"). We conclude that Boone has done so, at least with respect to the Social Media Policy.

Social Media Policy. The Social Media Policy "request[s] that [Boone] immediately cease and desist from any reference to any Lowell Area Schools employee on social media and/or other public communication platforms." (Am. Compl., R. 20-7, PageID 475 (emphasis omitted)). So far, so good. Not every opinion offered in the marketplace of ideas finds a receptive audience, and anyone who mounts a soapbox risks uncomfortable encounters with eye rolls, opprobrium, and pleas for reprieve. *See Backpage.com, LLC v. Dart*, 807 F.3d 229, 230–31 (7th Cir. 2015) (explaining that the First Amendment permits the government to attempt to "convince" someone to stop speaking but does not sanction efforts to "coerce" silence (quoting *Okwedy v. Molinari*, 333 F.3d 339, 344 (2d Cir. 2003) (per curiam))). But the Social Media Policy continues:

> Failure to comply with this request will be perceived as a deliberate and inappropriate act against the involved staff and the District further demonstrating your lack of willingness to work with the District in any constructive manner and may result in further action including but not limited to *all available legal remedies*.

(Am. Compl., R. 20-7, PageID 475) (emphasis added). The invocation of "legal remedies" for using officials' names in her posted complaints recontextualizes this nominal "request." What initially appeared as an attempt to convince now more closely resembles an intent to coerce. And that poses a problem for the School District.

Recall that "the threat of . . . legal sanctions," *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 67 (1963), even if "non-binding," *Novak*, 932 F.3d at 433, can transform an otherwise benign communication into a prior restraint. That is precisely what occurred in both *Bantam Books* and *Novak*. *See Bantam Books*, 372 U.S. at 62 (finding a prior restraint where a government body issued notices to alleged purveyors of obscene material that cited the body's authority to recommend prosecutions to the Attorney General); *Novak*, 932 F.3d at 433 (holding that the plaintiff "plausibly allege[d] that [police] officers created a prior restraint with their press release threatening to take legal action"). We are, of course, mindful of the main dissimilarity between that precedent and this case, namely, that the State in *Bantam Books* and *Novak* threatened criminal prosecution. But the prospect of a serious civil suit is equally likely to stifle a would-be speaker. Even defense of a frivolous claim can run up quite the bill. And a reasonable individual might sensibly conclude that a Facebook post is not worth the cost of litigation. Therefore, in at least some circumstances, the threat of a civil action also can be coercive. Recent Supreme Court case law recognizes as much.

In *National Rifle Ass'n of America v. Vullo*, the Court held that the NRA plausibly pleaded a First Amendment violation where the superintendent of the New York Department of Financial Services ("DFS") issued guidance letters to insurance companies that DFS regulated, "encouraging" them to sever ties with the NRA. 602 U.S. 175, 180–84 (2024). The letters, themselves, "did not refer to any pending investigations or possible regulatory action." *Id.* at 186 (citation omitted). But DFS had the power to "initiate investigations and civil enforcement actions," *id.* at 181, and this, in combination with other allegations of an intent to suppress the NRA's advocacy, sufficed to "plausibly allege conduct that . . . could be reasonably understood to convey a threat of adverse government action," *id.* at 191. And crucially, nothing in *Vullo* turned on the civil-criminal distinction. Instead, the Court expounded that *Bantam Books* recognizes a First Amendment claim when a "complaint plausibly alleges *coercive threats* aimed

at punishing or suppressing disfavored speech." *Id.* at 197 (emphasis added). In other words, the question is "whether a [] communication is reasonably understood to be a coercive threat." *Id.* at 189. And a communication that portends civil consequences for protected expression is no less capable of coercion than one that invokes criminal law.

Indeed, our assessment of the facts confirms that Boone has plausibly established that the Social Media Policy constitutes a coercive threat of legal action sufficient to state a First Amendment claim. The School District's attempt to cast the Policy as an exercise in persuasion does not, itself, persuade. Though the line is sometimes blurry, there is a meaningful difference between persuasion and coercion. To draw the distinction, several of our sister circuits apply a "non-exclusive four-factor framework." *See Nat'l Rifle Ass'n of Am. v. Vullo*, 49 F.4th 700, 715 (2d Cir. 2022), *overruled on other grounds by Vullo*, 602 U.S. 175; *Kennedy v. Warren*, 66 F.4th 1199, 1207 (9th Cir. 2023); *Missouri v. Biden*, 83 F.4th 350, 380–81 (5th Cir. 2023), *overruled on other grounds by Murthy v. Missouri*, 603 U.S. 43 (2024). The Supreme Court has dubbed this framework "a useful, though nonexhaustive, guide," *Vullo*, 602 U.S. at 191, so we will employ it (without formally adopting it) to explain our rationale. This involves reviewing the challenged communication for: "(1) word choice and tone; (2) the existence of regulatory authority; (3) whether the speech was perceived as a threat; and, perhaps most importantly, (4) whether the speech refers to adverse consequences." *Id.* at 189 (citation modified).

Starting with word choice and tone, we consider factors such as whether the communication asks for or "orders" compliance, *Bantam Books*, 372 U.S. at 68; the "urgency" with which it does so, *Backpage.com*, 807 F.3d at 237; whether "the official" who issued the communication "refuse[d] to take 'no' for an answer," *Missouri*, 83 F.4th at 381 (citation modified); and "the overall tenor of the parties' relationship," *id.* at 380–81.

Although the Social Media Policy is self-styled as a "request," it contains legalistic language (*e.g.*, "cease and desist") and explicitly broaches the possibility of legal action if Boone does not "immediately" comply. A friendly, "wouldja mind?" from the next-door neighbors, this is not. On the contrary, the Policy "virtually" orders "urgen[t]" compliance. *Bantam Books*, 372 U.S. at 68; *Backpage.com*, 807 F.3d at 237. And it does so on official district letterhead. *See Okwedy*, 333 F.3d at 344 (finding coercion where "Borough President of Staten Island" sent

letter on his official letterhead); *Speech First, Inc. v. Killeen*, 968 F.3d 628, 642 (7th Cir. 2020) (distinguishing "a letter sent on official letter-head demanding action" from "a voluntary invitation to a meeting"); *Kando v. City of Long Beach*, No. 21-56199, 2023 WL 3092304, at *2 (9th Cir. Apr. 26, 2023) (the threat to sue "was issued by a government official over a government phone line" and, therefore, "could plausibly have been understood to involve the government as well"). The power imbalance between the sender (Principal Gough) and the recipient (Boone) further colors the coercive tenor of the interaction. *See Speech First, Inc. v. Cartwright*, 32 F.4th 1110, 1123 (11th Cir. 2022) (considering the sophistication of the parties); *Brodheim v. Cry*, 584 F.3d 1262, 1270 (9th Cir. 2009) (emphasizing the power imbalance between a corrections officer and an inmate). While a multinational behemoth like Amazon may readily shrug off a "call to action," *Kennedy*, 66 F.4th at 1208 (describing Senator Elizabeth Warren's letter to Amazon as a "call to action"), a school mom is less likely to possess the resources or confidence to balk at a demand to "immediately cease and desist" or face "all available legal remedies."

Many courts have reached similar conclusions. *See Brodheim*, 584 F.3d at 1270–71 (holding that a jury could find that a corrections officer's response—"I'd also like to warn you to be careful what you write[ ] on this form"—to a prisoner's grievance would chill the prisoner's protected speech); *Tachias v. Sanders*, 130 F.4th 836, 846–48 (10th Cir. 2025) (concluding that a school district superintendent's cease-and-desist letter threatening a civil action over an alleged trademark violation could plausibly chill a plaintiff's speech); *Cartwright*, 32 F.4th at 1123–24 (11th Cir. 2022) (citation modified) (holding that a post by an ad hoc college "Response Team" with no authority to punish students could still chill speech where it warned that it would "track," "monitor," and "mount [] comprehensive response[s]" to speech it considered "offensive, hostile, negative, or harmful"); *Kando*, 2023 WL 3092304, at *1 (holding that a jury could find an animal control officer's threat to sue a plaintiff who called to request a complaint form was an "adverse action . . . that would chill a person of ordinary firmness from continuing to engage in [] protected activity" (citation modified)). In consonance with these prior decisions, the Social Media Policy "reasonably resembles a threat." *Kennedy*, 66 F.4th at 1209. The word choice and tone, therefore, sound in the register of coercion.

"The second consideration is whether the government official has regulatory authority over the recipient in the relevant policy area." *Id.* at 1210. As a school qua school, the District possesses no relevant regulatory authority over Boone's social media activity. And even as an extension of the State, it wields no significant influence in this realm. So this factor cuts against Boone. That, however, is not dispositive. *See Backpage.com*, 807 F.3d at 230 ("[T]he fact that a public-official defendant lacks direct regulatory or decisionmaking authority . . . is not necessarily dispositive." (citation omitted)). Even the threat of a *frivolous* lawsuit might deter a person of ordinary firmness from exercising her First Amendment rights. *See Tachias*, 130 F.4th at 836 (concluding that the superintendent's threatened trademark lawsuit was frivolous but nevertheless likely to chill the speech of school parents). And, as previously stated, Boone could have reasonably read Gough's use of official district letterhead and legalistic jargon to imply state authority (even if such authority was ultimately illusory). *See Speech First, Inc. v. Schlissel*, 939 F.3d 756, 765 (6th Cir. 2019) (entities that "lack[] any formal disciplinary power" may still "act by way of implicit threat of punishment and intimidation to quell speech"); *Cartwright*, 32 F.4th at 1123 ("Neither formal punishment nor the formal power to impose it is strictly necessary to exert an impermissible chill on First Amendment rights."); *Kando*, 2023 WL 3092304, at *2 (the threat to sue "was issued by a government official over a government phone line" and, therefore, "could plausibly have been understood to involve the government as well"). The absence of direct regulatory authority is, therefore, a hurdle, not a wall.

Next, we ask how Boone interpreted the communication. As alleged, the Social Media Policy "has caused her to refrain from . . . making public comments." (Am. Compl. R. 20, PageID 308, ¶ 118). This abrupt change in behavior, coupled with Boone's expressed fear of "litigation," (*id.*, PageID 322, ¶ 196), if she does speak, supports the conclusion that she read the Social Media Policy as a threat, *see Vullo*, 602 U.S. at 193 ("The reaction from [the recipient] further confirms the communications' coercive nature."); *Tachias*, 130 F.4th at 848 ("[T]he fact that the Appellees at one point changed the name of the Facebook page in response to the cease-and-desist letters is yet further evidence . . . [of] a chilling effect on the Appellees' speech."); *cf. R.C. Maxwell Co. v. Borough of New Hope*, 735 F.2d 85, 89 (3d Cir. 1984) (distinguishing the case from *Bantam Books* because a representative of the entity that received the allegedly threatening letter testified that his actions were "entirely voluntary" and "denied having felt

coerced or intimidated"). While a plaintiff need not "bow[] to government pressure" to state a viable claim, capitulation tends to bolster allegations of coercion. *Missouri*, 83 F.4th at 381 (citation modified); *see Brodheim*, 584 F.3d at 1271 (finding that a correction officer's threat would chill an ordinary person's speech even though it did not chill the plaintiff's speech in that case); *cf. Killeen*, 968 F.3d at 642 (explaining that the fact that most students ignored the allegedly coercive requests made by an ad hoc oversight board cut against a finding of coercion).

At the pleading stage, where the plaintiff avers that she stopped posting as a result of a letter she construed as a threat and the evidence accompanying her complaint corroborates her story, we may not make an adverse credibility determination or draw inferences in favor of the defendant. *See Okwedy*, 333 F.3d at 344 ("[T]he district court . . . should have viewed the language of [the] letter in the light most favorable to plaintiffs."). So this factor favors Boone.

Finally, we reiterate that the Social Media Policy "refers to adverse consequences that will follow if [Boone] does not accede to [its] request." *Kennedy*, 66 F.4th at 1211. This is the verboten "or else" that often undergirds implicit threats (think of a mobster who expresses "concern" for his target's health and thereby converts his request into a demand). *See id.* at 1211–12. And, here, it is overt, more so than the implications of consequences other courts have held sufficient to survive a motion to dismiss. *See Vullo*, 602 U.S. at 192–93; *see also Cartwright*, 32 F.4th at 1123–24 (finding threat of social alienation sufficient to chill speech); *Brodheim*, 584 F.3d at 1270–71 ("warn[ing]" an inmate to "be careful" about what he wrote on grievance forms was sufficient to chill speech). Thus, with this arguably "most important[]" factor—along with two others—on her side, Boone has staked out a plausible First Amendment claim. *Vullo*, 602 U.S. at 189 (citation omitted). Her criticism of public-school officials is protected speech. *See McElhaney v. Williams*, 81 F.4th 550, 557 (6th Cir. 2023). And she plausibly alleges that the School District deployed coercive threats to stifle that criticism based on its contents—here, the use of the names of specific officials. *See id.* (explaining that, generally, "schools cannot regulate the content of a parents' speech" criticizing teachers and administrative officials). At the pleading stage, that is enough. Discovery may ultimately vindicate the District, *see Vullo*, 602 U.S. at 195 (remarking that "discovery . . . might show that the allegations of coercion are false, or that certain actions should be understood differently in

light of newly disclosed evidence"), but for now, we are confined to the universe according to Boone, and in that world, this claim survives.

Communication Policy. Though promulgated in the same letter as the Social Media Policy, the Communication Policy differs in tenor and scope. It "direct[s] that [Boone] have no contact with [District] staff without prior permission from the involved building principal or the superintendent" and warns that "[f]ailure to comply with this directive may result in further restrictive action including but not limited to an order of no trespass prohibiting [Boone's] presence at all school functions." (Am. Compl., R. 20-7, PageID 475 (emphasis omitted)). Boone claims that this Policy "silenced" her, (Am. Compl., R. 20, PageID 314, ¶ 154), but both on its face and in operation, the Policy is not a gag but a funnel. It channels her speech to certain administrators; it does not suppress it. The Complaint belies any assertion to the contrary.

Even after she received Gough's letter, Boone twice contacted her child's AP English Literature and Composition teacher to express concerns with the class curriculum. On each occasion, the teacher forwarded the communication to Gough who responded and addressed Boone's questions. She later sought a meeting with a middle school teacher to discuss a classroom incident. The school denied her request but offered to let her meet with the principal and assistant principal instead.

None of this imperiled Boone's freedom of speech. The right to speak does not entail a corresponding right to compel others to listen. *See Gerber v. Herskovitz*, 14 F.4th 500, 512 (6th Cir. 2021). The School District would infringe Boone's constitutional rights if it demanded she cease all contact or face legal repercussions. Channeling her speech, however, (even straight into the spam folder) poses no threat to the First Amendment. *See L.F. v. Lake Wash. Sch. Dist. #414*, 947 F.3d 621, 626 (9th Cir. 2020) ("Because government entities such as the District do not have to listen to parents' views, it is not a constitutional violation to require that parents, if they wish to be heard, communicate only with particular staff members or do so only at a specified time and place."). Sometimes our protected shouts echo into the void. There is no legal remedy for that. Accordingly, Boone cannot plausibly allege that the creation and implementation of the Communication Policy suppressed her protected speech. *See Susselman*, 109 F.4th at 870. The Policy, instead, represents a reasonable and content-neutral time, place,

and manner restriction unlike the content-based restraint imposed as part of the Social Media Policy. *See L.F.*, 947 F.3d at 627 (holding that a similar communication policy "addressed the manner in which" a parent communicated with the school, "not the content of [the parent's] speech or any viewpoints [the parent] wished to convey").

2. Speech Ban

Boone also challenges the Social Media and Communication Policies as speech bans. The First Amendment prohibits the State "from 'abridging' oral expression (the freedom of 'speech') or written expression." *Lichtenstein v. Hargett*, 83 F.4th 575, 582 (6th Cir. 2023). So a plaintiff who identifies a law or government-implemented policy that restricts her protected speech or written expressions states a claim for relief under § 1983. For largely the same reasons detailed above, we conclude that Boone has carried that burden with respect to the Social Media Policy but not the Communication Policy.

Social Media Policy. While subject to unique evaluative frameworks and defenses at summary judgment, Boone's claims of prior restraints and speech bans are, for purposes of a motion to dismiss, essentially coextensive. *Compare Cnty. Sec. Agency v. Ohio Dep't of Com.*, 296 F.3d 477, 485 (6th Cir. 2002) ("A prior restraint is permissible if the restrained speech poses a grave threat to a critical government interest or to a constitutional right." (citation modified)), *with Blankenship v. Louisville-Jefferson County*, 162 F.4th 644, 655 (6th Cir. 2025) (calibrating the degree of scrutiny applied at summary judgment according to whether the speech ban is content neutral). At this preliminary juncture, we sit as sketch artists rendering rough facial composites according to the plaintiff's specifications. And, at least here, the rough facial composite of a prior restraint is virtually indistinguishable from that of a speech ban because the same allegations that suffice to establish a coercive threat (and, thereby, a claim of prior restraint) also plausibly illustrate the features of a ban. In other words, if—accepting Boone's allegations as true and drawing all inferences in her favor—we conclude that she has plausibly accused the District of preemptively silencing her, then we must necessarily further conclude that she has plausibly accused the District of enacting a ban.

Thus, based on our prior analysis, we reverse the district court and resurrect Boone's claim that the Social Media Policy banned her speech in violation of the First Amendment.

Communication Policy. For identical reasons, we reach the opposite conclusion as to the Communication Policy. Boone has no First Amendment right to quibble with the District employees of her choice. So even if the Communication Policy is an impediment to her doing so, that impediment is no constitutional affront. And without a plausible constitutional violation, Boone cannot maintain a claim under § 1983. The district court, therefore, properly dismissed her First Amendment speech ban claim as it relates to the Communication Policy.

B. Fourteenth Amendment Claim

Boone next contends that the Social Media Policy and Communication Policy are void for vagueness. At oral argument, she clarified that this claim also applies to the public comments Gough made at the April 8, 2024 School Board meeting and the District's Social Media Code of Conduct, attached to her complaint as Exhibit 41.

A policy is unconstitutionally vague if it "(1) fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits; or (2) authorizes or even encourages arbitrary and discriminatory enforcement." *Schickel v. Dilger*, 925 F.3d 858, 878 (6th Cir. 2019) (citation modified). The fear, born out in practice, is that imprecision and ambiguity enable disparate and selective enforcement, which encourages citizens to self-censor, particularly their unpopular and minority views that the First Amendment exists to protect. *See 600 Marshall Ent. Concepts, LLC v. City of Memphis*, 705 F.3d 576, 586 (6th Cir. 2013). But the policies Boone impugns trigger no such worry.

Social Media Policy. The Social Media Policy directs Boone to "cease and desist from any reference to any Lowell Area Schools employee on social media and/or other public communication platforms." (Am. Compl., R. 20-7, PageID 475 (emphasis omitted)). This is hardly a riddle. Even to the extent that terms like "social media" or "public communication platforms" lack specificity, they are not "so vague that [a person] of common intelligence must necessarily guess at [their] meaning[s]." *NetChoice, LLC v. Yost*, 180 F.4th 268, 294 (6th Cir. 2026) (opinion of Clay, J.) (citation omitted); *see Kutchinski ex rel. H.K. v. Freeland Cmty. Sch.*

Dist., 69 F.4th 350, 361 (6th Cir. 2023) (holding that use of the undefined term "gross misbehavior" did not render a school policy unconstitutionally vague). The alleged prohibition may run afoul of the First Amendment, but if it does, it does so without pretense or artifice.

Communication Policy. The Communication Policy is equally clear. It prohibits Boone from contacting staff "without prior permission from the involved building principal or the superintendent." (Am. Compl., R. 20-7, PageID 475 (emphasis omitted)). "[D]etermining whether" an act violates this prohibition is not "a subjective and unpredictable endeavor." *NetChoice*, 180 F.4th at 294 (opinion of Clay, J.). So the policy is not void for vagueness.

Gough's Public Comments. At the April 8, 2024 School Board meeting, Gough opined: "There is no First Amendment right to bullying, harassment, or misinformation." (Am. Compl., R. 20, PageID 305, ¶ 107). Boone interpreted this as the implementation of a policy susceptible to various interpretations. "The absence of any clear or meaningful standards for 'bullying, harassment, or misinformation,'" she frets, "results in a serious risk that [the policy] will be enforced in an arbitrary or discriminatory manner." (*Id.*, PageID 324, ¶ 205). But the statement, "There is no First Amendment right to bullying, harassment, or misinformation," is *not* a policy. It is a legal interpretation, one that Gough asserted in response to Boone's claim that his letter violated her First Amendment rights. Set aside whether Gough accurately summarized First Amendment jurisprudence, we will not make a constitutional case out of ambiguity in a high school principal's advisory opinion. *See Kutchinski*, 69 F.4th at 361.

Social Media Code of Conduct. The School District's Social Media Code of Conduct is a three-and-a-half-page document that includes "Basic Guidelines," such as "Be respectful of others," and "Policies," one of which empowers those who manage the District's social media accounts to "delete comments or posts that [the District] decide[s] are . . . offensive, profane, inappropriate," etc. (Am. Compl., R.20-9, PageID 491–94). Boone's Amended Complaint references this Code only in passing. It is similarly absent from her briefs. And that omission signals forfeiture. We are only aware of this supposed claim because Boone mentioned it at oral argument. But we do not entertain undeveloped claims that spontaneously appear during oral advocacy. *See Resurrection Sch. v. Hertel*, 35 F.4th 524, 530 (6th Cir. 2022) (en banc).

Accordingly, we will affirm the district court's dismissal of Boone's Fourteenth Amendment claim.

C. Title IX Claim

Boone next alleges that the School District violated Title IX because it promoted "DEI, SEL, social justice issues, and alternate sex and gender ideologies" that "create[d] a sexually harassing hostile environment," causing her to "experience[] embarrassment, humiliation, frustration, degradation, and loss of dignity." (Am. Compl., R. 20, PageID 325, ¶¶ 214, 216). But Title IX is not a vehicle for Boone, as a parent of schoolchildren, to vindicate *her* own rights.

Title IX provides that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." 20 U.S.C. § 1681(a). The statute creates a private right of action. *See Jackson v. Birmingham Bd. of Educ.*, 544 U.S. 167, 173 (2005). But only for those who "fall[] within the class of plaintiffs whom Congress has authorized to sue." *Keen v. Helson*, 930 F.3d 799, 802 (6th Cir. 2019) (citation omitted). This class comprises students, "who are the intended beneficiaries of federal financial assistance to education," *Romeo Cmty. Schs. v. U.S. Dep't of Health, Educ., & Welfare*, 600 F.2d 581, 582 (6th Cir. 1979), or their parents as "next friend," *see Davis ex rel. LaShonda D. v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 632 (1999).

Boone is neither enrolled in the District nor seeking to vindicate the rights of a minor who is. Instead, she invokes Title IX *on her own behalf*. But that is not her prerogative. Congress did not authorize her to sue under these circumstances, and the district court, therefore, properly dismissed her Title IX claim for lack of standing.

D. State Law Claims

Because it dismissed all of her federal claims, the district court declined to exercise supplemental jurisdiction over Boone's remaining state-law claims. We, however, have revived Boone's First Amendment claim. Thus, on remand, the district court will have jurisdiction over Boone's state-law claims and is free to consider whether they still warrant dismissal.

IV.

For the foregoing reasons, we affirm, in part, and reverse, in part.

CONCURRENCE / DISSENT

RITZ, Circuit Judge, concurring in part and dissenting in part. I agree with the majority's disposition of Stefanie Boone's Fourteenth Amendment and Title IX claims. I also agree that Boone did not plausibly allege that the school's Communication Policy violates the First Amendment. But I respectfully disagree with the majority's holding that Boone has plausibly alleged a First Amendment claim as to the school's Social Media Policy. So I would affirm the district court across the board.

The majority aptly lays out the relevant facts here. And I have no issue with the district court and majority's labeling of the relevant communication from the school district as the "Social Media Policy." It is worth recounting briefly, though, what this "policy" comprises and what prompted it. As her complaint sets out, Boone spent years criticizing Lowell Area Schools and its employees, via social media posts, email communications, and in-person encounters. Her campaign culminated with a social media post in early January 2024, where Boone suggested that a particular teacher should "have a great millstone fastened around [her] neck and drowned in the depth of the sea." Am. Compl., R. 20-7, PageID 459 (citation modified). In response to this post, Lowell High School principal Stephen Gough wrote Boone a letter, which contained these three sentences:

> The most recent post that I am aware of can be construed as threatening in nature and significantly elevates my concern. As a result, **I am compelled to request that you immediately cease and desist from any reference to any Lowell Area Schools employee on social media and/or other public communication platforms.** Failure to comply with this request will be perceived as a deliberate and inappropriate act against the involved staff and the District further demonstrating your lack of willingness to work with the District in any constructive manner and may result in further action including but not limited to all available legal remedies.

Id. at PageID 475.

The relevant legal question is whether this language constitutes "conduct that, viewed in context, could be reasonably understood to convey a threat of adverse government action in

order to punish or suppress" Boone's speech. *Nat'l Rifle Ass'n of Am. v. Vullo*, 602 U.S. 175, 191 (2024). A government official (like the principal here) "can share her views freely and criticize particular beliefs, and she can do so forcefully in the hopes of persuading others to follow her lead." *Id.* at 188. But a government official cannot "use the power of the State to punish or suppress disfavored expression." *Id.* To distinguish between "permissible attempts to persuade and impermissible attempts to coerce," the Supreme Court has identified a "multifactor test as a useful, though nonexhaustive, guide." *Id.* at 188-91. Under this test, we review the challenged communication for "(1) word choice and tone; (2) the existence of regulatory authority; (3) whether the speech was perceived as a threat; and perhaps most importantly, (4) whether the speech refers to adverse consequences." *Id.* at 189 (citation modified).

I would apply this test differently than the majority does in this case. The first factor, in my view, is neutral. Admittedly, principal Gough's letter contains legalistic language and broaches the possibility of legal action. But it must also be "viewed in context." *Id.* at 191. The letter came after Boone embarked on a multi-year campaign against the school district, culminating in a post directed at a specific teacher, who Boone suggested should be "drowned in the depth of the sea." Am. Compl., R. 20-7, PageID 459. The principal's letter responded specifically to this post, which he not unreasonably "construed as threatening in nature." *Id.* at PageID 475. Given this context, it is difficult to read the letter as a meaningful threat of adverse action, as opposed to a formal and firm "request" that Boone refrain from escalating further her campaign of harassing behavior against individual school employees. *Id.*

Further, unlike the majority, I do not think the principal's language "virtually" orders "urgen[t]" compliance. *Cf. Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 68 (1963); *Backpage.com, LLC v. Dart*, 807 F.3d 229, 237 (7th Cir. 2015) (citation modified). The majority's cited cases on this point generally involved more "heavy-handed" conduct than a three-sentence request to mitigate threatening behavior. *Speech First, Inc. v. Cartwright*, 32 F.4th 1110, 1123 (11th Cir. 2022); *see, e.g.*, *Okwedy v. Molinari*, 333 F.3d 339, 344 (2d Cir. 2003) (finding plaintiffs stated a claim of government coercion where a borough president invoked his official position to threaten legal action through a specified subordinate official); *Kando v. City of Long Beach*, No. 21-56199, 2023 WL 3092304, at *1-2 (9th Cir. Apr. 26, 2023)

(finding plaintiff could survive summary judgment on a retaliation claim where a government official, using "a government phone line in the course of his duty," threatened to sue the plaintiff after plaintiff criticized a separate official). Of particular note, the superintendent in *Tachias v. Sanders* sent multiple cease-and-desist letters to parents and grandparents of students, alongside forms that would release future claims in exchange for their compliance. 130 F.4th 836, 840-41, 847 (10th Cir. 2025). That situation is closer to the "*system* of prior administrative restraints" found constitutionally prohibited in *Bantam Books* than the single letter here. 372 U.S. at 70 (emphasis added).

The second factor strongly favors the school district. In *Vullo*, the Supreme Court asserted that "the greater and more direct the government official's authority, the less likely a person will feel free to disregard a directive from the official." *Vullo*, 602 U.S. at 191-92. And the Court went on to say that a recipient would "react differently if the letter came from . . . the U.S. Attorney . . . than if it came from an *out-of-state school board*." *Id.* (emphasis added). The authority here—that of a public high school principal—wields even less power over Boone than a school board. And again, these facts are distinguishable from cases cited by the majority. For example, in *Backpage.com, LLC v. Dart*, a sheriff invoked his law enforcement position against the letter recipient. 807 F.3d at 232. Similarly, in *Brodheim v. Cry*, a corrections officer warned a prisoner about his continued grievances. 584 F.3d 1262, 1270 (9th Cir. 2009). A high school principal is more lightly armed, in both a literal and figurative sense, than a sheriff or a corrections officer. Indeed, it is unclear what legal remedies or authority the principal would even have available to him. After all, in *Kennedy v. Warren*, the Ninth Circuit found that even the regulatory authority of a United States Senator was insufficient to constitute impermissible coercion. 66 F.4th 1199, 1210 (9th Cir. 2023). While the sophistication of the parties is relevant, it goes both ways: the purported lack of resources possessed by a "school mom" only retains significance when compared to the extent of authority wielded by the government official at issue. *See Brodheim*, 584 F.3d at 1270-71 (considering the "apprehension" faced by a prisoner-plaintiff because of the "number of things that . . . a corrections officer[] could have done" if the prisoner "failed to comply").

I find the third factor also favors the school district. Remember that we ask whether a recipient of a government communication "*reasonably* understood" the language "to convey a threat." *Vullo*, 602 U.S. at 191 (emphasis added). The test is not subjective, but rather an "objective inquiry of whether a reasonable person would perceive the official's communication as coercive." *Id.* The majority's cases bear this out. They too predicate the "chilling analysis . . . on the reaction of a 'person of ordinary firmness,' not the individual plaintiff." *Kando*, 2023 WL 3092304, at *1 (citation modified); *see, e.g.*, *Tachias*, 130 F.4th at 847; *Cartwright*, 32 F.4th at 1124; *Okwedy*, 333 F.3d at 344.

Here, Boone alleges that the Social Media Policy caused her to refrain from making public comments. In my view, even under the favorable Rule 12(b)(6) standard, Boone cannot show it was reasonable to understand the principal's language as a threat along these lines. Online, Boone routinely referenced specific district employees in posts spanning several years, and her accusations—including that employees were "providing pornography to minors"—were at times inflammatory. Am. Compl., R. 20-5, PageID 426. Yet it was only after a post that the school district reasonably perceived as a specific threat towards a specific school official that the principal asked her to cease her direct references to school employees. Given this context, Boone's alleged subjective fear of speaking out further was not reasonable.

As for the fourth and final factor, I find it to be in equipoise. Gough's letter states that failure to comply with the district's directive "may result in further action including but not limited to all available legal remedies." Am. Compl., R. 20-7, PageID 475. But "[t]he most obvious cases of coercion occur when an official explicitly refers to adverse consequences." *Kennedy*, 66 F.4th at 1211. As an example, the communication at issue in *Novak v. City of Parma* specifically referenced a criminal investigation into the recipient's Facebook page. 932 F.3d 421, 433 (6th Cir. 2019). By contrast, Gough's letter does not "hint[] [at a] specific action to investigate or prosecute." *Kennedy*, 66 F.4th at 1212. That distinction, to me, renders this factor neutral, especially given that this case involves a communication from a public school official, not a criminal prosecutor or formal investigative authority.

Given that the second and third factors strongly favor the district, and the neutrality of the first and fourth factors, I believe that Boone has not alleged a plausible First Amendment claim.

As a result, I would affirm the district court on this point and respectfully disagree with my colleagues' contrary conclusion.