
STUDENT WALKOUTS AND POLITICAL SPEECH AT SCHOOL

Q: What should I do if the school administration threatens to punish any students who participate in an upcoming walkout?

Because the law requires you to attend school, the administration can take corrective action against you for missing school, even if you miss school to participate in a political protest. The school is required to notify your parents of any unexcused absence and may require a conference with your parents to discuss "corrective action." However, the school cannot punish you for missing school to participate in political protest more harshly than it punishes students for missing school for any other purpose. For example, you might have to serve detention for missing school to attend a protest if detention is the typical punishment for unexcused absences. You also should be given the same right to make up work as any other student who has an unexcused absence for the particular classes you miss.

Q: Can I be suspended for walking out of school to attend a political protest?

Generally, no. The law is clear that suspension is not an appropriate punishment for unexcused absences. State law requires that corrective action be taken before a short-term suspension is imposed, and sanctions less severe than suspension are supposed to be used for first-time offenders and for absenteeism.

For more information, check out the ACLU's handbook on suspension and expulsion in Washington public schools. This publication is available on the ACLU-WA's Web site at www.aclu-wa.org.

Q: What does it mean to be "truant" and what are the legal consequences?

RCW 28A.225.020, the Becca Bill truancy provision,

requires schools to notify parents if there is one unexcused absence in a month. Under the statute, "an 'unexcused absence' means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and (b) Has failed to meet the school district's policy for excused absences." This just means that if the student has one unexcused absence, the parents would be notified, but this by itself does not require any other sanction. A student must have five unexcused absences in a month before a truancy petition is filed in court against the student or parents or both. The school must make efforts to resolve truancy with the student and parents before a court petition is filed.

The police are authorized to pick up a truant student and take them to the parents or to school.

Q: What should I do if the school administration threatens to lock or block the school exits to prevent us from walking out of school in protest?

Locking exits to the school can pose serious health and safety concerns for students and staff. In another state, a local fire department responded to teachers' complaints about locked exits at a school by insisting that the administration unlock the exits to avoid a fire hazard. If the school administration threatens to lock students in your school to prevent walkouts, students should immediately notify their parents and the district superintendent's office.

Q: Can I organize a protest at school?

It depends on the specific activities you have planned and when the protest will take place. Remember that your school can adopt reasonable rules which regulate the "time, place and manner" of exercising



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your free speech rights. Thus, you cannot organize a protest if it will substantially disrupt the orderly operation of the school or if it will create the immediate danger of causing students to commit an act that is unlawful or in violation of school rules. But you can organize a peaceful, orderly protest at lunch or before or after school, for example. However, the size of the demonstration, as well as other factors, may affect when and where the demonstration may occur. If you are in doubt about whether your plans for a particular protest are permissible, you should check your school district's written rules around speech regulations. If you still have questions, you should call the ACLU at 206.624.2184.

Q: Am I allowed to express my political views while I am at school?

Yes. The First Amendment of the U.S. Constitution and Article 1, Section 5 of the Washington Constitution guarantee freedom of speech and freedom of the press to all people, including students. This includes, but is not limited to:

- wearing buttons, badges and other insignia (including armbands or message T-shirts)
- posting notices on school bulletin boards
- distributing petitions
- handing out other printed materials, such as leaflets
- writing in public school newspapers and yearbooks
- writing in "underground" (or unofficial) newspapers

Q: Can my school place any limits on my ability to express my political views?

Yes. Even though you have broad rights to express your views in a variety of ways, your school can adopt reasonable rules that regulate the "time, place and manner" of exercising these free speech rights. For example, the school could adopt a rule that prohibits the distribution of leaflets during class time. On the other hand, a rule prohibiting the distribution of leaflets during lunch period would not be permissible. The school is not allowed to prohibit or censor speech or press activities by students based on its content (what you are saying), unless what you are saying falls within one of these two exceptions:

1. it is foreseeable that the speech will cause substantial disruption of the operation of the school;
2. it is too lewd or vulgar for the school audience.

So, even if your principal or teachers believe that something you say or write is controversial, divisive, in "bad taste," or expresses a political point of view that is against school policy, they still cannot censor what you

say or write unless it also falls within the exceptions above. The law is clear about one thing: outside the classroom itself, school officials cannot just impose their own version of good taste and decency on what students say or write. However, you can certainly avoid some problems if you can say what you want to say without using profanity or sexual references.

Q: Can school officials prevent students from expressing their opinions on a particular topic because they think the topic is too controversial?

No. School officials may believe that talking about such topics as the war or the education budget cuts is too controversial. However, as described above, they cannot censor those topics unless there is clear evidence that the speech will cause a substantial disruption of the operation of the school. Even if discussion of the war would provoke strong disagreement or upset some students, school officials still cannot censor it. Criticism of your school, criticism of students, teachers or school officials, or discussion about serious problems either at school or elsewhere is generally protected.

Q: Can I be punished for saying or writing something provocative at school?

Sometimes school authorities will try to punish students who make provocative statements or joke about violence. They may argue that the student is making a "terrorist threat." In order to be considered a "threat," you must intend that others take your words as a threat. In addition, your words must be so clear and convincing that they would cause another person to really believe that you intend to carry out the threat— and therefore to have a reasonable fear for his or her safety.

Q: What can I do if the school tries to censor me?

Washington law requires each school district to put in writing the rules controlling speech and press activities. So, if you are faced with a school official who is trying to limit what you say or write, you should ask to see those written rules to determine whether the school official is following the rules they are required to follow.

But remember: sometimes exercising your free speech rights involves risks. Sometimes "reasonable people" -- like you and the school principal, for example -- can disagree as to what is "disruptive" or "libelous." And school officials do not always follow the law on this. You may be acting within your rights, but you may have to defend your actions in school or even may need to go to court.