

# KNOW YOUR RIGHTS

## STUDENT PARTICIPATION IN NATIONAL SCHOOL WALKOUT



The ACLU of Louisiana has received complaints from students and families across the state regarding schools' responses to National School Walkout. This fact sheet is a brief summary of your rights as a student, and what you can do next if you participated in a walkout at your school.

### STUDENTS HAVE A FIRST AMENDMENT RIGHT TO FREEDOM OF SPEECH DURING SCHOOL HOURS.

The Supreme Court has held that students do not lose their constitutional rights when they enter school grounds. The right of free speech means that students can speak out, hand out flyers and petitions, and wear expressive clothing in school.

**Schools cannot punish non-disruptive speech.** Students cannot be disciplined simply for exercising their rights to free speech, even if their speech is politically unpopular or expresses views that others disagree with, such as proposing reasonable gun-control measures.

**Students cannot be punished for expressing their beliefs unless it disrupts the educational process.** Controversial speech in and of itself is not disruptive. This means that students have the right to participate in National School Walkout if they do not disrupt classwork and do not disturb other classmates who decide not to participate.

**Schools have the power to regulate and discipline students during school hours to make sure the school functions and there is no disruption of the educational process.** For example, if school rules require students to go to school, schools can discipline students for missing class during a walkout.

- The precise discipline a student may face will vary by school district, so find out the regulations that govern your school specifically. These regulations are usually printed in a Student Handbook. Many of these are published online.
- If you joined a walkout during one class, look at your school district's policies regarding "unexcused or unauthorized absences."

**The United States Constitution forbids disciplining students more harshly for politically motivated conduct than for similar, non-political behavior.** Discipline must be applied equally. If students are disciplined for unexcused absences for participating in a walkout, they must be treated the same as students who miss class for any other reason. Students cannot be disciplined more harshly because of the political nature of their messages. Schools cannot impose a stricter punishment on students who walk out for a political reason than the punishment imposed on students who missed class for a doctor's appointment, or who skipped class.

# I KNOW MY RIGHTS... NOW WHAT?

- Find out the regulations that govern unexcused absence at your school. These are usually in a Student Handbook, which may be published online.
- In some schools, parental permission can change an unexcused absence into an excused one. Parents of students charged with a disciplinary offense for participating in National School Walkout may want to send a written approval of their student's actions and ask for the absence to be excused.
- Find out the possible punishment at your school for unexcused absence. Schools cannot exceed that punishment for students who participated in a walkout.
- Find out the regulations about the process the school is required to go through before it can discipline a student for unexcused absence. Depending on the charge, students may be entitled to a hearing before being disciplined. Check your Student Handbook for the procedure your school follows for different disciplinary charges.
- If you feel your rights have been violated, file a complaint with our office by going to [laaclu.org/complaints](https://laaclu.org/complaints). Make sure you select "First Amendment: Freedom of Speech or Expression" as the complaint type, and enter as much detail as you can.



Since 1956 the [ACLU of Louisiana](https://laaclu.org) has been the state's guardian of liberty, working in our courts, our capitol, and our communities to preserve the rights of all Louisianans. We have represented students across the state on a variety of issues including free speech, religious liberty, the right to protest, and LGBTQ discrimination. Join us at [laaclu.org](https://laaclu.org).