

Tuesday, March 13, 2018

Dear Indiana School Officials, Administrators, and Educators:

Over the past several weeks, the students of Marjory Stoneman Douglas High School have seized the national spotlight and joined a proud tradition of student-led protest movements. From the Civil Rights Movement to Black Lives Matter, students across the country and here in Indiana have raised their voices to challenge the status quo and dismantle systems of oppression.

On May 8, 1968, the day before the University of Indiana's famed Little 500 bike race was scheduled to be held, a group of 50 black students barricaded themselves inside the stadium for three days to protest racially discriminatory clauses in the charters of fraternities on campus. The Little 500 sit-in resulted in all but one of the participating Greek houses complying with the students' demands and changing their charters.

Today a new generation of students, galvanized by the horrific tragedy of seeing their peers gunned down in Parkland, Florida, are raising their voices in protest and pressuring public officials to act. Students here in Indiana plan to join students across the country for a nationwide walk-out on March 14 and a March For Our Lives in Washington, DC on March 24.

As an organization that works to harness the power of grassroots activism to affect positive change, the ACLU of Indiana is inspired by these courageous young people and committed to protecting their rights.

We are heartened to see some school districts working constructively with student leaders to ensure students have an opportunity to make their voices heard – without punishment or repercussions.

But with reports of public schools in other states threatening disciplinary action against student protesters, it's important that school administrators, parents and students understand the rights guaranteed to all Americans – including students – under the First Amendment.

Here are five things to know about students' rights to protest in public schools.

- 1. Students do not lose their constitutional rights at the schoolhouse gate.** In America, students do not lose their constitutional rights “at the schoolhouse gate.” Students have the right to speak out, distribute flyers and petitions, and wear clothing that expresses a viewpoint — as long as they don't disrupt the functioning of the school or violate school policies.
- 2. Public school policies must be content-neutral.** Public schools can establish general rules and policies that are unrelated to the specific opinion being expressed. So, for example, a school can establish a dress code that prohibits students from wearing hats — because that rule is not based on what the hats say — but it cannot prohibit them from wearing pro-NRA hats or ACLU hats.
- 3. Public schools can discipline students for missing class – but they can't punish student protesters more harshly than they otherwise would.** The law in most places requires students to go to school, so schools can discipline students for missing class. But what schools can't do is discipline students more harshly because of the political nature of or the message behind their action. Students participating in a walk-out to protest gun violence cannot be treated differently than if they were missing class for some other reason. School policies vary, so find out the rules for your school and district and ask how school administrators plan to apply them.
- 4. School administrators: just because schools are within their rights to discipline students, that doesn't mean they should.** We commend the school leaders who are working to ensure that students can participate in these protests and make their voices heard without risking punishment, even if walk-out participants may be in technical violation of school rules. To cultivate informed citizens who care about their communities and speak truth to power, school leaders should take this opportunity to encourage this spirit of activism and civic purpose, not punish it.
- 5. Students are allowed to speak freely on social media.** Students' right to free speech extends to social media content that is unrelated to school and posted off-campus outside of school hours.

We encourage school administrators and teachers to take advantage of this learning moment. Student-led protests are an American tradition, and the students leading the #NeverAgain movement are no exception. All of us are beneficiaries of the student-led protest movements of the past, and that means we have a shared responsibility to cultivate the next generation of freedom fighters and trailblazers who will help create a more just and equitable future.

- **Ensure that policies regarding on-campus speech allow ample room for public discussion.** Students may wish to express their views while on school grounds in a variety of ways – from rallying at the flagpole before school, to distributing literature, to wearing t-shirts. While schools may regulate this speech to prevent disruption of education, they should remember that this sort of discussion is also educational, and tread lightly on student’s political expression.
- **Foster discussion among students with different views.** Students are highly motivated to find ways to prevent school shootings. But they will inevitably have different opinions about how best to do that. Teach students the skills to argue persuasively for their viewpoint, to listen respectfully to other views, and to be open to changing their minds. Demonstrate equal respect for students who choose to attend demonstrations and students who choose not to do so.
- **Provide historical context.** The current wave of student activism is part of a rich American tradition. Teaching students about the movements for the abolition of slavery, women’s suffrage, civil rights, and other causes will enhance students’ experiences and help to inform their decisions about how best to effect change in the world.

This is a unique moment in history, and a singular opportunity for many high school students. The lessons you teach your students now will be with them for life. We urge you to foster your students’ civic awakening, and help to ensure the health of our democracy in decades to come.

The students of Parkland and from around the country are giving the rest of the world a lesson in the power of activism. We encourage all educators –all adults – to act wisely and compassionately and to listen.



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