

Student Walk Outs & Protests

In light of the upcoming scheduled walkouts, it is important for school districts to be fully informed of students' rights and District responsibilities with regard to student protests on campus and during the school day. The National School Walkout, or #ENOUGH, is scheduled for Wednesday, March 14, 2018 at 10:00 a.m. for 17 minutes, one minute for each victim of the Parkland, Florida school shooting. On Friday, April 20, 2018, the National High School Walkout is scheduled at 10:00 a.m. through the rest of the school day, and students are encouraged to sit outside the school and peacefully protest during that time. Additionally, on Saturday, March 24, 2018, the March for Our Lives is scheduled throughout the nation. Currently, only two are scheduled in Missouri; one in Springfield and another in Kansas City. The following guidance is meant to aid Districts in preparing for protests on campus.

Students have a constitutional right to free speech which limits the District's ability to respond to their actions without infringing on those rights; however, the District also has a duty to ensure that the educational environment is not "substantially and materially disrupted," and violent acts or disruptive behavior that violates the District's disciplinary code should be addressed according to policy. Attempting to limit students' ability to peacefully protest or otherwise exercise their free speech rights could subject the District to First Amendment complaints or other possible legal claims.

Discussing the District's plan with regard to the walkout or protest well in advance of the date that the protest is scheduled to take place would help set expectations and boundaries for the protest. Specific considerations for that plan are discussed in the following checklist.

NATIONAL SCHOOL WALKOUT

STUDENT CHECKLIST

- Develop a plan for how to handle student protests on campus.
 - Past protests on campus should guide the District in creating this plan, as it will set precedent for future protests on campus.
 - How will student absences from class be treated? Will parents be allowed to sign their students out to protest? Will students be allowed to make up work missed during the protest?
 - These consequences should align with District policy and the student code of conduct.
 - How will protesting students be supervised during the protests?
 - How will students be supervised who choose not to protest?
 - Will law enforcement or campus security be present during the protests?
 - Districts should be cognizant that if groups of individuals gather outside of the school building, additional security concerns may need to be considered in the planning process.
 - The plan should include developing a notice to students and

parents that violence or behaviors outside of peaceful protest will be disciplined according to District policy.

- Communicate the plan to students and parents in advance of the protests.
 - Determine how this will be accomplished – will the District work with a student group, such as the Student Council? Will letters be sent home with students? Will the District’s plan be posted on its website or social media?
- Follow-up
 - Will the District need to readjust its plan before any subsequent scheduled protests?





Another factor for school districts to consider is whether teachers, parents, and/or other community members will be allowed to participate in student protests occurring on District property.

With regard to teachers and other District employees, because they are public employees and subject to District Board Policies and other conditions of their employment, they are not entitled to as many First Amendment protections as students when acting in their capacity as a District employee. This means that school district employers can require employees to carry out certain duties, or prohibit them from participating in certain activities, during time they are required to perform their professional job duties.

As for parents or other community members' participation in student protests or walkouts on District property, the District can also restrict District grounds in order to limit disruption to the school environment, and for student safety. If non-student participants seek entrance to school property when students are present, the District can restrict access to areas of the property that will reduce the disruption for students, or refuse to allow them to participate on school property if it is necessary to ensure that the school property is safe and orderly for students. Additionally, if community members or other non-student participants are gathering on nearby property, but not actually on District property, there would be no clear legal basis for excluding them, unless their activity is causing a significant disruption to the school environment.



TEACHERS AND DISTRICT PERSONNEL CHECKLIST

- Consider whether teachers and other District personnel will be permitted by the District to participate in student protests occurring during the school day.
- Consider what precedent may be established with regard to the District's decision to allow (or prohibit) teachers and other District personnel to participate in the student protests.
- Advise teachers and other District personnel as to whether they will be permitted to participate in the student protests, and what level of participation will be permitted, if any.
- If District employees are prohibited from participation in student protests, advise what the consequence(s) will be for participation in violation of this directive.
- Develop a clear plan for teachers and other personnel's role during student protests, if any. How will teachers or other staff be responsible for supervision of students participating in the protests?
- Clearly communicate the District's plans concerning teachers' and other personnel's permitted level of participation in the student protests.
- Clearly communicate specific responsibilities or duties that teachers or other District personnel will be required to perform during the student protests (i.e. supervision duties, monitoring students' activities as they walk to and from locations, etc.).
- Remind teachers that students have the right to protest and to display and wear politically expressive messages (t-shirts, buttons, arm bands, etc.), so long as the activity and/or expression is not disruptive to the school environment.





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NON-STUDENT PARTICIPANTS CHECKLIST

- Consider whether parents or other non-student participants (i.e. community members) will be allowed to attend or participate in student protests occurring on District property.
- Consider the District's policies concerning visitors to school property, and whether such policies would prohibit non-student participants from attending student protests.
- Consider the District's facilities use policies and procedures, and whether such policies would prohibit non-student participants from attending student protests.
- Consider possible safety implications, and what safety precautions may be necessary, if allowing non-student participants to participate in student protests occurring during the school day.
- Consider what precedent may be established with regard to the District's decision to allow (or prohibit) parents or other non-student participants to attend student protests.
- Notify parents and community members in advance as to whether non-student participants will be permitted to attend the student protests, and what level of participation will be permitted, if any.
- If non-student participants will be permitted to attend student protests, develop and communicate a clear plan to ensure appropriate supervision of individuals entering the school buildings and to guarantee the safety of students (i.e. monitoring entrances to school buildings, visitor sign-in procedures, limiting access to restricted areas, etc.).
- Notify non-student participants in advance that violence, threats, or behaviors outside of peaceful protest will be reported to law enforcement.
- Develop a plan for ensuring staff and student safety in the event a threat, violence, or other disruptive behaviors occur. Consider a plan of action to address possible incidents occurring on and off of District property.
- Consider whether the District will allow media on District property during the student protests, and/or consider preparing a statement to release to the media concerning the District's plan for the protests.