

How to Approach Student Walkouts

February 23, 2018

[March 14, 2018 National Walkout Information](#)

Introduction

As you are aware, walkouts are a very complicated issue. Each situation is different. Always consider your school's policies, codes of conduct, local community needs, and your local climate as you address each instance. You may wish to contact your school district's legal counsel for advice. When you learn of a planned event, you may also wish to contact your local law enforcement agency. [NOTE: This document has been prepared in cooperation with the Michigan Association of School Administrators, Michigan Association of Intermediate School Administrators, Michigan Association of School Boards, Michigan Association of Secondary School Principals, Michigan Department of Education, Michigan School Business Officials and the Michigan School Public Relations Association. It is informational only and intended to highlight some of the approaches to addressing this issue.]

Talking Points/Key Messages

Frame the issue as student/school safety--rather than gun control--in your messaging.

- We're working with students, staff, and local authorities to ensure students are safe and are able to have their voices heard.
- We will be respecting the rights of all students, whether they choose to participate or not.
- The role of our staff during this time will be to help keep our students safe.
- During the planned activities, our staff will be with our students.
- This can be a learning opportunity that helps our students apply the citizenship lessons that they are learning in school.
- We encourage our students to be actively engaged citizens who are knowledgeable about multiple viewpoints surrounding current events. We teach them how to participate in our democracy in a variety of ways that might include addressing lawmakers through letters, creative works that help express how they feel about an issue, and discussions. Through these kinds of experiences, our students learn the skills they need to form, support and express their own personal positions on issues.

Legal Precedence

- No court cases have dealt with this issue recently.
- We are operating with a Supreme Court ruling that is nearly 50 years old: *Tinker v. Des Moines*. In [Tinker v. Des Moines](#)--students wearing black armbands protesting the Vietnam War--was deemed protected speech by the First Amendment. (On February 24, 1969 the Supreme Court ruled 7-2 that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." The Court ruled that the First Amendment applied to public schools, and school officials could not censor student speech unless it disrupted the educational process.) **The standard: Schools must prove a material and substantial disruption to the learning environment.**

Overall Points to Remember

- **If you have any concerns, contact your district's legal counsel.**
- **Do not restrict protected student speech.**
- Schools are allowed to set **reasonable time, place and manner restrictions** on the activity.
- This is similar to the National Anthem issue but on a larger scale. (Remember the schools that objected were the ones in the media.)
- **Schools must remain neutral**--not seen as being in support or non-support--while being prepared for the walkouts, since advance notice (a set time and date) has been given. (For example: A school could offer an indoor place for walkout students to assemble with time for a student leader to speak and an alternate indoor, supervised location with a planned, meaningful activity for non-participating students to gather. Another school could provide supervision in the hall or gym where students could gather, while learning continues in the classroom. At other schools, students could leave the building and could be directed to a designated area on campus.)

- If you have questions about the free speech rights of students, you can contact Brad Banasik (bbanasik@masb.org), Legal Counsel for the Michigan Association of School Boards.

Communicating With Your Audiences

Board/Administration

- Review your board policy on free speech.
- Review your Student Code of Conduct for rules and regulations.
- Review [Tinker v. Des Moines](#).
- Know that responses and activities may vary by school district, but must allow for protected speech.
- Rely on your superintendent and administrators for your district's course of action.

School Staff

- Meet with principals and staff--get input for reasonable time, place, and manner restrictions. (For example, young children wanting to walkout may be directed to stand in the hallway, go to the playground, or go to another area where they can be supervised.)
- Remind staff that school districts don't engage in protests. However, students have a free speech right and may express their political viewpoint, if it doesn't present a material or substantial disruption to the learning environment.
- Work with your union leadership--remind them this has to be a student-led process. School staff must remain content and viewpoint neutral, while they are working at school. Teachers/staff have other avenues/channels through which to express their political views and lobby.
- Decide, together, how staff will ensure a structured environment for those students choosing to walkout, and those students choosing not to participate. In both instances, remember to be careful about viewpoint discrimination.
- Provide talking points to staff to share with community members who ask questions.

Students

- Find out which student(s) are leading a planned protest.
- Meet with student(s) and find out what they are planning to do and when.
- Review the Student Code of Conduct as part of your conversation(s) with students.
- Help students committed to taking action to think about how to make it a positive/productive learning experience (e.g. letters to legislators; finding their voice) and how to respect the rights of those students choosing not to protest. This is an opportunity to apply the citizenship lessons they are learning in school.

Parents

- Repeat your key message about keeping students safe.
- Explain that school districts don't engage in protests. However, students have a free speech right and may express their political viewpoint, if it doesn't present a material or substantial disruption to the learning environment.
- Remind parents, if they are on school property during the school day, they are subject to the school's rules and regulations.

Media

- Designate a spokesperson.
- Use your key messages.
- Understand that you don't have to allow the media into your buildings, parking lots, or campus.
- Know that there is nothing to prevent them from setting up outside, across the street.

Community Members

- Remember the school is not required to allow community members to come on the property during the school day.
- During the school day, administrators can regulate who is on school property.