



Graham Local Schools Protocols on School “Walk Outs” & Political Speech at Schools

Frequently Asked Student Questions

Q: Will school administration 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. You would be given the same right to make up work as any other student who has an unexcused absence for the particular classes you miss. Our suggestion is to inform your parents ahead of time, and alert them to the school calls, so clear communication occurs about the nature and purpose of your absence.

Q: Can I be suspended for walking out of school to attend a political protest? Generally, no. Suspension is not viewed as 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. However, behavior during a protest or “walk out” on school property is subject to Board policy and students who willfully cause damage or harm to property or others, or who cause a disruption to school operations, would face discipline.

Q: What does it mean to be “truant” and what are the legal consequences? 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 means that if the student has an unexcused absence, the parents would be notified, but does not, by itself, 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: Will the school administration lock or block the school exits to prevent us from walking out of school in protest? No. However, locked entry/exit points will remain so during the school day for safety, so re-entry would be based on following school procedures to re-enter without disrupting the learning environment. School procedures for signing in would be as normal.

Q: Can I organize a protest during school, or “at school”? You cannot spend class time organizing extracurricular political activities that disrupt the learning environment for others. Depending upon the specific activities planned, and when the protest will take place, please remember that your school has rules against disrupting the learning environment on school property, inside or outside of buildings. Also, Board policy allows the school to regulate the “time, place and manner” of exercising speech and

assembly. 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, and talk to your administrator.

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 Constitution guarantees 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.

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. 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 to the operation of the school; 2. it is too lewd or vulgar for the school audience. You can certainly avoid problems if you can say what you want to say without using profane language.

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 they cannot censor those topics unless there is clear evidence that the speech will cause a substantial disruption of the operation of the school.

Q: Can I be punished for saying or writing something provocative at school? Graham does not recognize "joking" or provocative statements about violence. Should your words cause another person to really believe that you intend to carry out a threat – cause fear for safety- it is not allowed.

Q: What can I do if the school tries to censor me? Each school district puts in writing the rules controlling speech and press activities. 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." You may have to defend your actions in school, or with authorities, or even go to court, if you think your actions are within the law, but others disagree.

Q What can the police do to me if I walk out or protest on campus?

Q. What can the police do if I leave campus?

Sources: ACLU Political Speech, Washington Foundation 2018; Ohio Revised Code; Graham BOE Policies