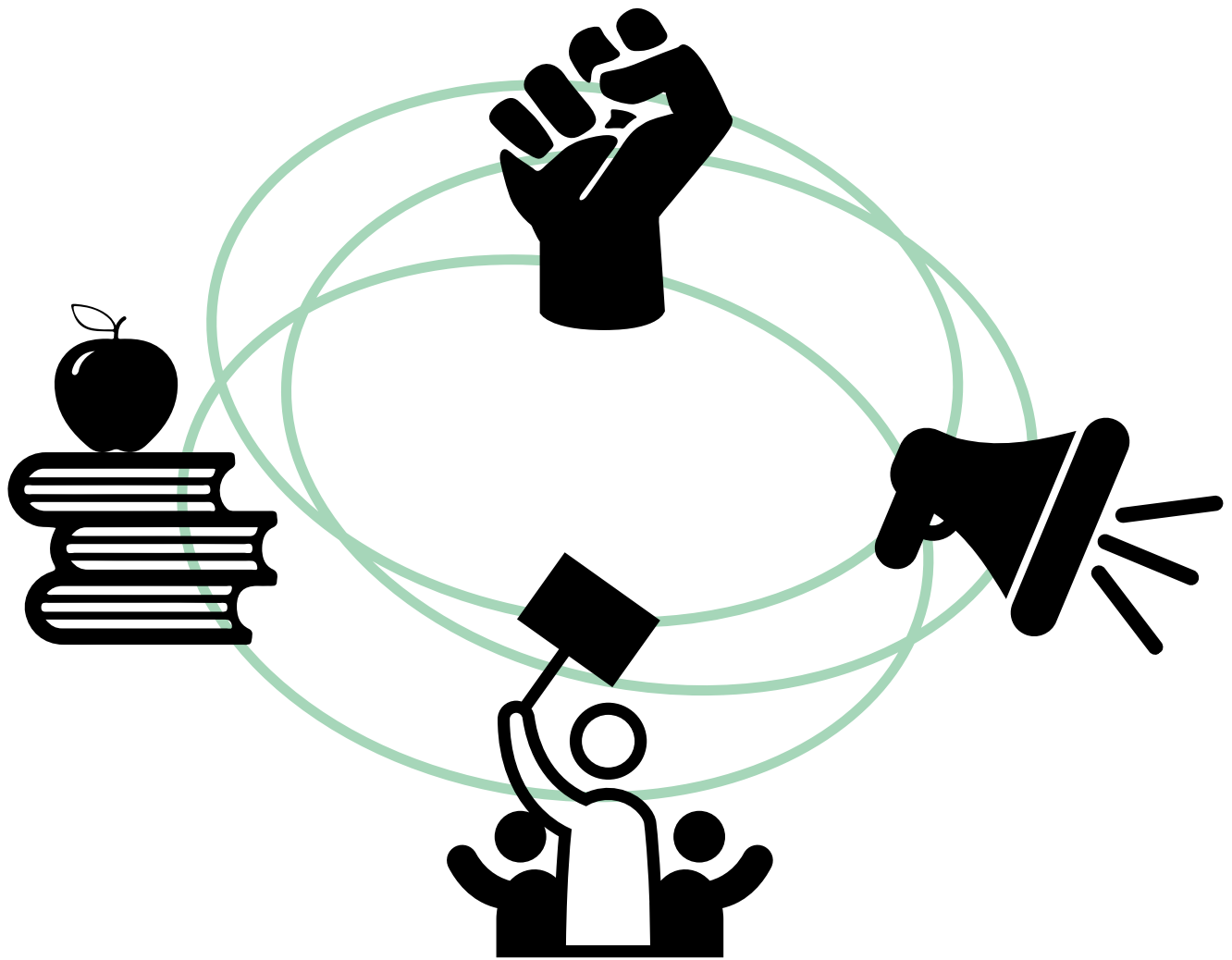


# Student Political Speech, Protest, and Walkouts: Know Your Rights



## **Student Political Speech, Protest, and Walkouts: Know Your Rights**

*This guide gives general information about student speech and protest in public K-12 schools in Washington. It is not intended to provide legal advice.*

### **Before You Act: Review Your School Policies**

Your school's rules and policies may be accessible on its website or at the administrative office. If your school does not have its own policies, it is likely they follow the district's rules and policies.

### **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 Washington State Constitution guarantee freedom of speech and freedom of the press to all people, including students. This includes:

- Wearing buttons, badges, armbands, or shirts with messages
- Speaking up in class or other school settings about your views
- Posting notices on school bulletin boards or distributing petitions
- Handing out other printed materials, such as leaflets
- Writing in public school newspapers and yearbooks, or unofficial publications (such as student-led newspapers)

### **Can my school limit when and how I express my political views?**

**Yes.** Even though you have broad rights to express your views in a variety of ways, your school can adopt rules to prevent or punish speech that **materially disrupts the functioning of schools**. Courts will review whether those rules are appropriate on a case-by-case basis. For example, courts have typically upheld students' rights to wear expressive shirts or buttons.

Schools can also place reasonable restrictions on the **"time, place, and manner"** of student protests or other expressive conduct. For example, the school could prohibit handing out leaflets during class time. However, the school could not prohibit handing out leaflets during lunch period. Your school's restrictions cannot discriminate based on the content of what you are saying. A restriction must be reasonable considering that the purpose of your school is to educate.

### **Can my school censor or prohibit my speech based on what I'm saying?**

**Generally, no.** Students have fundamental rights, which include freedom of speech. Schools are not allowed to prohibit or censor student speech based on its content (what you are saying). There are three exceptions:

- It is predictable that the speech will cause substantial disruption to school operations (like blocking hallways or discriminating against another student).
- It is legally "obscene" (meaning vulgar or lewd).
- It is libelous or slanderous (untrue and harms someone's reputation), and you are either extremely careless about verifying the truth or you know it is untrue when you say it.

Unless your speech falls under one of the exceptions above, principals and teachers cannot censor it, even if they think it is controversial, divisive, or expresses a political point of view.

**Can school officials prevent students from expressing their opinions because they think a topic is too controversial?**

**No.** School officials cannot censor topics unless there is clear evidence that the speech will cause a substantial disruption of school operations. Even if discussion could provoke disagreement, school officials cannot censor it. Criticism of your school, teachers, or officials, and discussion of problems at school or elsewhere are generally protected.

**Can I organize or participate in protests, rallies, or demonstrations?**

**Yes, but there are limits.** You have the freedom to express yourself; however, you must comply with reasonable school rules regulating the time, place, and manner of student speech, including group demonstrations.

- **What are the limits?** You can be disciplined for protest at school that substantially disrupts the orderly school operations, like blocking hallways or being too loud for others to study.
- **When can I organize a demonstration?** Peaceful, orderly protest should be possible at lunch or before or after school. If you are unsure, check your school district's policies and rules.
- **Can I skip class to participate?** Because the law requires you to attend school, the school can discipline you if you skip class to participate in a protest. However, the law requires districts to try other interventions (like detention or a conference with your family) before suspending a student for an unexcused absence. Schools cannot discipline students for a walkout more harshly than for other unexcused absences.
- **Can my school limit my speech if I'm off campus?** Schools cannot punish students for off-campus speech if that speech doesn't have an impact on the school. But many schools will punish students for online or off-campus speech that causes or threatens to cause a disruption to school; this can include social media posts that threaten the safety of students and teachers.

**What can I do if the school tries to censor me?**

Washington law requires each school district to have written rules controlling speech and press activities. If you are faced with a school official trying to limit what you say or write, you should ask to see those rules to determine whether the school official is following them. But remember, sometimes exercising your free speech rights involves risk. If a school official overreacts to you lawfully exercising your rights, you may have to defend yourself in a meeting with school officials or even go to court to protect your rights.

**Can I be forced to say the Pledge of Allegiance or sing the national anthem?**

**No.** You cannot be forced to make a pledge of loyalty to the government. You also cannot be forced to stand while other students say the Pledge of Allegiance, and you cannot be punished for refusing to stand during the national anthem. Punishment includes being asked to leave the classroom. However, if you choose not to say the Pledge of Allegiance or stand during the national anthem, you are not allowed to cause disruptions while others participate. If a teacher tries to force you to say

the Pledge of Allegiance or sing the national anthem, you should tell your school principal or district superintendent.