



KNOW YOUR RIGHTS: STUDENT WALKOUTS IN PUBLIC SCHOOLS

A walkout during school day hours is an act of civil disobedience. It is up to every individual to evaluate the potential benefits and consequences to an act of civil disobedience, such as a walkout. Our goal is to help students, parents and teachers understand what kinds of consequences students could face. A number of Maryland school systems have made public statements suggesting that they do not intend to punish students for participating in the walkouts provided that the students are orderly and return to class after 17 minutes.

Can my school discipline me at all for participating in a peaceful walkout during school hours?

Yes. Because the law requires you to attend school, the school can discipline you if you skip class to participate in a protest. Missing class without school permission usually counts as an unexcused absence. The exact punishment will vary depending on your school or school district, so check your school handbook.

Can I be suspended or expelled for participating in a peaceful walkout?

Under Maryland law, you can't get an out-of-school suspension or expulsion solely for an unexcused absence. The First Amendment does NOT allow your school to discipline you more harshly because you're missing class for a walkout than it would for any other kind of unexcused absence. Whether or not the school agrees with your political message, the school cannot punish you more harshly than it would if it didn't know why you were missing class. (For example, if the school's usual response is to allow each student three unexcused absences before it takes any formal disciplinary action, it can't take disciplinary action against you for your first unexcused absence because you participated in a walkout.)

That said, your conduct matters. So, if you force your entire classroom to grind to a halt by shouting, "Everybody has to leave right now!" or otherwise distract your peers while walking out, you may be inviting the school to discipline you differently than if you quietly get up and leave.



Can my school discipline me for telling other students about a walkout?

The ACLU believes that helping to promote a peaceful 17-minute walkout of the sort planned for March 14, should not count as “disruption,” but we cannot guarantee that school officials will agree.

We cannot predict how schools will respond, but we want to hear from students if they are disciplined simply for sharing information about the walkout. You do not lose your right to free speech just by walking into school. You have the right to speak out and hand out flyers and petitions— *as long as you don’t disrupt the functioning of the school or violate the school’s “content-neutral” policies (policies that apply generally, regardless of the message you’re expressing).*

You can be disciplined for holding a protest at school that substantially disrupts the orderly operation of the school. If you block a hallway or make a lot of noise while others are studying, school officials will likely consider it a disruption. What counts as “disruptive” will vary by context – think about the differences between handing out flyers between classes and using a bullhorn, or sharing information outside of class versus while the teacher is instructing the class.

Can I be arrested for participating in a walkout?

We are not aware of any lawful basis for arresting a student who peacefully walks out of class. If you are threatened with arrest, or actually arrested, please contact the ACLU. See our “Know Your Rights: What To Do If You’re Stopped By the Police” at www.aclu-md.org/your_rights

I’m a teacher who would like to support students participating in the walkout. Can I be disciplined?

We cannot advise teachers interested in participating in the walkouts. The rules governing the First Amendment rights of teachers during the school day are different than those that apply to students, due to the employee-employer relationship. Teacher participation in the walkouts may trigger employment consequences. Please consult with an attorney and/or your union representative, where available, for legal advice.

Will the ACLU help me if I think my school has violated my rights?

We cannot promise to assist every student individually, but if you feel that your constitutional rights have been violated in some way, please contact our office for further guidance: www.aclu-md.org/help,

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