

## Free Speech Rights: Student Walkouts and School Discipline

Your Rights	What Schools CANNOT Do	What Schools CAN Do
<b>You have the right of Free Speech in school</b>	Schools CANNOT stop you from passing out flyers, information, petitions, wearing badges, or writing articles in the newspaper.	Schools can stop you if your speech is: <ul style="list-style-type: none"> <li>• obscene, libelous, or slanderous, or</li> <li>• creates the immediate danger of causing other students to violate the law or school rules, or</li> <li>• <u>Substantially</u> disrupts school activities.</li> </ul>
<b>You have the right of Free Speech outside of school campus</b>	You cannot be disciplined for free speech activities outside of school.	Schools can discipline you if you commit an act listed in the Education Code for which you can be suspended, while on your way to school, or leaving school. (*See below)
<b>You cannot be suspended for being truant, tardy, or absent</b>	Schools CANNOT <ul style="list-style-type: none"> <li>• suspend you for simply walking out of school</li> <li>• force you to attend Saturday school unless you were absent, tardy or truant three times in a school year .</li> <li>• suspend or expel a student for being truant, tardy, or absent without first imposing alternative punishments</li> </ul>	Schools can suspend you if you commit an act listed in the Education Code while you were walking out. (*See below)  Schools can discipline you in other ways for being truant, tardy or absent such as detention, community service, or Saturday school. If you have a history of truancy, there can be more severe consequences such as an involuntary transfer or referral to a SARB.  Schools may impose alternative punishments for truancy and tardiness rather than suspension or expulsion.
<b>You can only be suspended or expelled for those offenses listed in the Education Code</b>	Schools cannot suspend you for being truant, tardy, or absent.  Schools cannot suspend you for exercising your free speech rights.	*The Education Code allows the school to suspend or expel you if you: <ul style="list-style-type: none"> <li>• threaten, bully, fight, or hurt someone, or commit sexual harassment/ assault</li> <li>• possess a dangerous object</li> <li>• carry, use or sell controlled substances, or tobacco, or paraphernalia</li> <li>• damage/steal property, receive stolen property, robbery/ extortion</li> <li>• commit an obscene act or use profanity a lot</li> <li>• disrupt school activities or defy school officials</li> </ul>
<b>You should not be suspended if this is your first offense</b>	Unless the act is serious, schools CANNOT suspend you for the first offense, and must offer alternatives.	Schools CAN suspend you if you disrupted school activities or defied the authority of school officials BUT ONLY if <ul style="list-style-type: none"> <li>• other types of discipline were tried but failed (e.g. community service) or</li> <li>• your presence causes a danger to others or</li> <li>• your presence threatens to disrupt the instructional process</li> </ul>
<b>You have the right to Due Process when you are being suspended</b>	Schools CANNOT suspend everyone simply because they walked out. They must decide whether YOU violated the Education Code. Schools must give you an opportunity to tell your side of the story before making the decision to suspend.	Once they have allowed you to tell your side of the story and your evidence, they can suspend you for violations of the Education Code for up to five days.  Schools must give you a hearing on whether the suspension should be erased from your record.