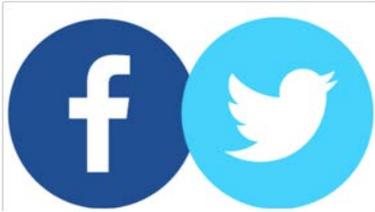




ISBA Spring Regional Meetings

Spring Regional Meetings dates are coming up! Make sure to attend to get a full legislative recap, legal updates, and CAP awards! Register at the link below:

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FAST FACTS ON INDIANA K-12 EDUCATION

87.2%

Indiana's 2016-17 high school graduation rate

8.8

The percentage point growth in Indiana's graduation rate over 10 years from the 2006-07 school year to the 2016-17 school year

Student Walkouts

by Julie M. Slavens, ISBA Staff Attorney (jslavens@isba-ind.org)

Many students in Indiana as well as throughout the country participated in the student walkout on March 14, 2018. It appears thankfully no major incidents occurred during or as a result of the student walkout. Many school corporations in Indiana supported the students who participated in the walkout by allowing them to do so and provided the safest environment for them without consequences to the students; while a few schools did enforce consequences to the students who participated in the walkout. In addition, many schools provided alternative means to the walkout for students to voice their concerns about school and gun violence.

The next walkout encouraged by national organizations is Friday, April 20, 2018, the 19th anniversary of the Columbine, Colorado school shooting. It is suggested this walkout take place at 10 a.m. and continue for the rest of the day, unlike the limited time of 17 minutes on March 14. There has also been encouragement from these organizations for staff members to participate in the walkout as well.

ISBA issued legal guidance on this issue via an email to its members on March 6, 2018 ([see full correspondence here](#)). This article briefly revisits the options for school boards and administrators to consider when addressing future potential walkouts by students at your local schools.

Given the legal standard established in Tinker v. Des Moines School District, school administrators have discretion with respect to addressing the upcoming student walkout. While it is an established standard that students are not allowed to leave a classroom without permission from the teacher or a school administrator (i.e., leaving for a medical appointment, or going to the library or other areas of the school), school officials have options available to minimize the potential disruption the walkout may cause.

Options/Communications

A school corporation has two options:

- 1) to allow the students to leave the classroom in order to participate in the walkout or other activity the school has arranged or allowed (discussed below); or
- 2) not allow the students to leave the classroom or the school building during instructional time to participate in the walkout.

Given the length of the walkout planned on April 20, whether you maintain your approach from March 14 or decide to alter it, new communication should be issued to provide clear guidance to students, parents, and staff. As part of this communication, it should be spelled out how the absences from the class or school will be handled. Despite the holding in Tinker, local policy and procedures on absences and trancies can be applied in these situations.

Whether or not permission is given for the students to leave the classroom or school, school administration should plan for students to participate in the walkout. The suggested walkout will result in students being outside and possibly remaining on school grounds. School administrators should meet with local law enforcement to discuss providing protection for the students who do participate in the walkout. If you have designated a school safety team, it should be involved in the planning for the walkout. It should be determined whether an administrator, a school resource officer, or teachers will be assigned to be outside to observe the walkout and supervise the students who participate. In addition, an area outside of the school building should be designated for the students to go to when they walkout. This designated area should be included in the communication to the students on how the school will address the walkout.

Media Inquiries

A school may want to consider how it will handle media asking to cover the event. A school corporation is not required to allow media on school property, but the school may designate an administrator to be the spokesperson for the school after the walkout. The school may also consider preparing and issuing a statement with respect to the walkout either before and/or after the event. Student representatives may be designated to serve as class spokespersons. If so, school corporations should acquire written permission from the parent(s) or guardian of the students to be the class representative before the walkout.

(continued on page 4)

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Alternatives to Walkout

Such events provide opportunities for an alternative method for the students to express their opinions, concerns, and voices on the issues. Rather than the students walking out of the building where safety of the students is of heightened concern perhaps the school administrators can provide a time and place for students to go inside of the building, i.e., gym, auditorium, for a discussion of their concerns and issues. When considering this option, remember the school administrators must be neutral in supporting student opinions. School administrators must provide opportunities for all viewpoints to be heard. This may take place in the same assembly or a separate assembly may need to be made available for

other viewpoints. The point to keep in mind is all viewpoints must be given the same opportunity to be heard.

Teachers and Other Employees

Unlike students, federal courts have ruled teachers and other school employees are not protected by the Free Speech clause while they are on duty and working for the public school. When doing so, courts have considered these employees as public officials and concluded they are subject to the same neutrality requirements as school officials as discussed earlier. Thus, while working for the school corporation teachers and other employees may not participate in the walkouts, encourage or discourage students' participation, and voice their own opinion about the walkout or related issues.

Teachers and other employees are required to continue to do their job as assigned by the school administration. In preparation for the walkouts, school boards and/or school administrators are encouraged to remind the teachers and other employees of this legal standard.

Debrief

It is a good idea for administrators to debrief with staff, student leaders, local law enforcement, and/or your school safety team now after the first walkout to determine what improvements may be made for the future walkout, especially considering the extended length for the walkout on April 20.

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