

February 22, 2018

Stephen L. Walts, Ed.D.
Superintendent
Prince William County Public Schools
Post Office Box 389
Manassas, VA 20108
pwcssupt@pwcs.edu

Dear Superintendent Walts:

I write to encourage you to rethink your letter to Prince William County School (PWCS) parents and students about student participation in what you referred to as demonstrations “against school gun violence.” In your letter dated February 21, 2018, while acknowledging students’ rights to be “vocal and active in calling for safety-related legislation,” you asked parents and students to keep the “following in mind” related to “calls for walkouts or other demonstrations”:

- PWCS recognizes your right to free speech and to protest, but these rights do not extend to disrupting classes or to leaving school. Disruptions are disrespectful to others and harmful to the learning environment, while leaving school without authorization might put your safety at risk.
- Students who cause disruptions or leave school without authorization will face disciplinary consequences, in keeping with the PWCS Code of Behavior.
- There are plenty of ways to show your feelings and support outside of school or when classes are not in session.

Several residents in Prince William County have reached out to us with concerns about your letter. We share their concern about the preemptive and somewhat threatening tone of the letter. We have encouraged those who have contacted us to make their concerns known directly both to you and to the members of the School Board. We regret that your administration apparently doesn’t see the students’ interest in these issues as a positive example of the kind of community and civic engagement that the [Code of Behavior](#) for high school students in PWCS suggests is expected and encouraged.

The tone of your letter and subsequent Twitter communications by the administration at The Patriot High School following your lead stand in stark contrast to the supportive tone and content of a



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[letter from the principal at South Lakes High School](#) expressing the policy of the Fairfax County Public Schools (FCPS). In that letter the principal says of an on-campus demonstration involving 350 students:

About 350 of our students walked out at noon today in honor of the 17 victims from Stoneman Douglas High School in Parkland, Florida. Students exited through door #1 and reentered the building in an orderly fashion. Staff were present to ensure student safety. The students were outside for 17 minutes before returning to class and/or lunch. I am proud of how the students conducted themselves including a moment of silence that was very moving.

FCPS respects the rights of our students to engage in peaceful protest and express their opinions through speech and other ways as long as it is done respectfully, does not interfere with the rights of others, and does not disrupt learning in the school. Our school is committed to providing an environment where everyone is treated with respect and encouraged to help others.

Our teachers, administrators and staff continue to reinforce a sense of positive school community and we ask for your partnership in working with your child to discuss meaningful actions that they can take to engage in their community.

At the same time, however, the administration at The Patriot High School, a PWCS, had this to say in a series of three tweets about a 17-minute noontime demonstration at that school involving “some” students:

- At approximately noon today, some Patriot students participated in a student organized walkout. This event caused a disruption to the school day and was not sanctioned or condoned by school administration. After 17 minutes outside of the building, students returned to class.
- Students who left class had their attendance marked accordingly. Please note that going forward, further disruptions to the school day or learning environment would warrant disciplinary consequences as outlined in the PWCS “Code of Behavior.”
- Students were also made aware of the consequences.



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We have [written about the principles](#) that we think should guide both student and school administration in deciding appropriate action in the case of students participating in First Amendment protected activity like the demonstrations described above.

Among other things, we agree with the South Lakes' principal and, apparently, FCPS, that a peaceful protest even on school grounds during school hours does not cause the kind of material and substantial disruption at school that would warrant disciplinary action or take the students' conduct outside the bounds of their protected First Amendment rights. Rather, it is a teachable moment and an opportunity to reinforce a positive message about community and civic engagement. Moreover, because the school division may not make distinctions based on the content of a student's speech or expressive activity in imposing discipline, any discipline for an "unexcused" absence imposed on a student participating in an out of class on campus protest or an off-campus protest must be consistent with and no more severe than discipline imposed for other "unexcused" absences.

As you know, public school students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969). School officials may prohibit student speech (which the threats to impose discipline have the effect of doing) only when they reasonably forecast that the student expression "will substantially interfere with the work of the school or impinge upon the rights of other students." *Id.* at 508. It is not enough that school officials have an "undifferentiated fear or apprehension" of a disturbance. *Id.* Rather, there must be "substantial facts which reasonably support a forecast of likely disruption." *Quarterman v. Byrd*, 453 F.2d 54, 58 (4th Cir. 1971).

We have encouraged any student (or anyone who knows a student) who, pursuant to your directive, is disciplined for any reason for engaging in a peaceful on campus demonstration related to "school gun violence" or for an unexcused absence for participating in an off-campus protest related to "school gun violence" to fill out our online intake form so that our legal team can determine if additional action is warranted.

From the ACLU of Virginia's perspective, a public school should always seek to impose the fewest and most narrow restrictions on student expression possible given the special circumstances of the

school environment. In this case, there is simply no evidence that being absent from class for a few minutes or even a day creates a substantial disturbance or disruption or infringes on the rights of other students. PWCS would be well-advised, under all the circumstances, to adopt an educational rather than a disciplinary approach to these activities. Just because you can argue that you have the power to discipline students for protesting or walking out doesn't mean you should choose to do so.

Very truly yours,



A handwritten signature in blue ink, which appears to read "Claire Guthrie Gastañaga". The signature is fluid and cursive.

Claire Guthrie Gastañaga

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