



AMERICAN CIVIL LIBERTIES UNION

Idaho

March 12, 2018

Dear Superintendent,

Over the past month, the country has witnessed a movement ignited by high school students in the wake of another school shooting. The movement continues not only in Florida, but across the country, including in Idaho. The ACLU of Idaho encourages you to seize this moment by supporting students in gaining the tools and historical context they need to compel the change they believe is necessary in this state and country.

Idaho has seen its students stand up over the course of its history in speaking out for racial equality, immigrant rights, women's rights, LGBTQI rights, and for better education. Idaho's students continue to use their voices and their collective power to effect change. Students take on risks when they speak out. However, they should not have to choose between exercising their constitutionally protected right to express their ideas and facing disciplinary consequences from their school administrators. This is a moment of great awakening for our Idaho students that will impact the rest of their lives.

Students interested in participating in the March 14th walk-out are understandably concerned about what consequences they face from their schools. We ask you to remember the following:

- Treatment that is different in kind and degree for participating in political speech and activities outside of school violates students' constitutionally protected rights. Schools cannot apply policies regarding unexcused absences any differently in response to students participating in political activities off-campus than they would for unexcused absences for other reasons.
- Students can wear clothes or garments expressing their beliefs and political viewpoints so long as the content is not lewd or vulgar and does not create a substantial disruption of school functions and complies with any school dress codes.
- If your school allows non-curricular clubs, you cannot discipline students for the content of their speech simply because it is political or from a particular point of view.
- When students are off-campus and in the community, their rights to express themselves and protest are the same as anyone else's.

You can find more information on students' rights [here](#).

Consider ways in which you can encourage civic engagement rather than disciplining students for missing classes for participating in walk-outs. Take this time to teach the art of debate, reasoning, and civic process. Examine the histories of this state and country and how it is we came to this place. And listen—Idaho's students are telling us something and you must grasp this

opportunity to engage with students and ask them questions about the future they envision for Idaho. These are our future leaders and what better way to help shape Idaho's future than by amplifying our students' concerns and ideas of how to make a better tomorrow.

Idaho's wellbeing is grounded in its youth. As stated by the Idaho State Department of Education on its website, "[t]he knowledge students gain in school will help them be ready for the world that awaits them beyond high school." We, at the ACLU of Idaho, could not agree more, and encourage you to uplift all students in these coming days of social and civil engagement.

The Legal Department at the ACLU of Idaho has opened investigations into several school districts in Idaho with apparently discriminatory disciplinary practices for political speech and activities by students. We will be actively monitoring the planned walkouts by students demanding gun reform for student and parent complaints about schools' discriminatory responses to such student activity.

Sincerely,

A handwritten signature in cursive script that reads "Leo Morales". The signature is written in black ink and is positioned to the left of the typed name.

Leo Morales,
Executive Director
ACLU of Idaho