



# New Jersey School Boards Association

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## Addressing the March 14 Student Walk-Out: Guidance and Information

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In less than two weeks, on March 14, a nationwide student “walk-out” will take place in schools throughout the nation. The demonstration, termed “March for Our Lives” by its organizers, is intended to bring to the attention of federal and state lawmakers the need to address school security-related matters, particularly access to firearms and mental health services.

“For local school boards, the demonstrations raise issues of school attendance, the board’s discipline policies, students’ right to free speech *and, above all else, safety,*” explained Dr. Lawrence S. Feinsod, New Jersey School Boards Association executive director. “This guidance document provides balanced information from NJSBA and other education organizations. It is designed to help local school leaders determine the appropriate course of action for their districts.”

The walk-out is planned to last 17 minutes—one minute for each of the victims of the Parkland, Florida school shooting. Its impetus came from EMPOWER, the youth branch of the [Women’s March](#).

Students walking out of class, and perhaps outdoors, at a pre-announced time and date nationwide raises serious security concerns. School officials, therefore, must take steps to ensure safety if students do walk out. In addition, while a non-sanctioned walk-out from classes would violate many school districts’ attendance and discipline policies, schools may consider ways to provide an alternative “teachable moment” for students.

In a guidance document issued March 1, [Navigating Student Walkouts and Mass Protests](#), the National School Boards Association, suggests the following:

Consider identifying the teachable moment in civics education, and explore the possibility of conducting an educational, curriculum-related assembly, debate, or other activity that provides a forum for students to express their views. Some schools are adopting creative solutions in coordination with staff and student leaders, such as a special bell schedule allowing additional unstructured time at school for students to gather for peaceful protest.

The New Jersey School Boards Association has received inquiries from local boards of education asking how they should address the student walk-outs. Ultimately, it is a local school district decision, based on numerous factors, including the age of the students, student safety, logistics including building layout, and district policy and regulations.

To assist local school boards in making that determination, NJSBA offers the following information from the Association’s Policy Division, the National School Boards Association, the New Jersey Department of Education, the National School Public Relations Association, and other organizations. Also included are examples of how various school districts are addressing the matter.

### **Suspension or a ‘Teachable Moment’?**

- Q.** *Our district’s policy manual categorizes “leaving school without permission when school is still in session” as an unexcused absence. It also classifies “class cutting” and “leaving school property without permission” as disruptive behavior which could result in suspension. Must our administrators adhere to these policies if students walk out of class on March 14?*
- A.** School leaders may consider building an education event around the 17-minute observation, such as a forum at which students can express their concerns. They may also give permission for a walk-out with a strictly enforced requirement that students return to class immediately afterward. Through such an approach, student protestors, who adhere to restrictions, would not be violating policy or discipline codes.

School officials who allow students to participate in the March 14 walk-out may wish to state clearly that it is a one-time authorization, while setting specific parameters, e.g., a 17-minute time limit, and the application of disciplinary and attendance policies for unauthorized demonstrations in the future.

If the district does not officially “sanction” the demonstration, it may inform students that their participation will be considered an “unexcused absence” (if classified as such by district policy).

In all cases, school districts should implement security measures to ensure student safety, including adequate staffing and the involvement of police.

### **Safety Concerns**

- Q.** *Can we restrict where students go after they walk out of the classroom?*
- A.** Yes. There is serious concern about safety if a walk-out results in students exiting the school building. Schools should identify a secure area where students can gather, with adequate security staffing and, if appropriate, the involvement of law enforcement.

On February 27, the New Jersey Department of Education issued a memo, “[Guidance for Possible Student Demonstrations](#),” which advises the following:

Schools are encouraged to prepare by taking steps to ensure any student gathering is away from areas in view of, or easily accessible to, the general public wherever possible. Assembly sites and pedestrian routes should not be exposed to vehicular traffic. Controlling access to the gathering site is critical to maximizing safety. Where possible, schools should consider utilizing venues that have controlled access points and that have been successfully used for large gatherings and events. It is advisable to hold such assemblies within school facilities or on athletic fields in order to properly secure participants and maximize safety.

Any site proposed for such a gathering should be checked in advance for any safety and security risks with the assistance of first responders. Sufficient security personnel needs to be scheduled to staff the gathering, and local law enforcement should be informed, consulted and on-hand should they deem it appropriate.

In addition, the NJDOE guidance document includes the following caution: “Although the walkout is anticipated to be of short duration, schools should prepare thoroughly by reviewing all policies and procedures, *denying visitor access during the event*, anticipating the possibility that medical needs may arise, and giving thought how best to handle any members of the media who may cover the event.” [Emphasis added]

## **Rights of Non-Demonstrators**

**Q.** *What about students who do not participate or who disagree with some of the objectives?*

**A.** Students who do not participate in a walk-out should remain in a supervised classroom or other area. If no school-wide activity, such a forum, is planned, classes should continue.

Some school districts have policies addressing demonstrations, which recognize students’ rights to assemble peaceably and to express ideas and opinions “provided that such exercise does not infringe on the rights of others and does not interfere with the operation of the schools.”

NJSBA’s [Policy Unit](#) offers a model document on Controversial Issues, which provides the following guidance:

Pupils shall be taught to recognize each other's right to form an opinion on controversial issues, and shall be assured of their own right to do so without jeopardizing their relationship with the teacher or the school. Any discussion of controversial issues in the classroom shall be conducted in an unprejudiced and dispassionate manner designed to foster a spirit of inquiry. Such discussion shall not:

- A. Disrupt the educational process;
- B. Fail to match the maturity level of the pupils;
- C. Be unrelated to the goals of the board and the appropriate curriculum guide;
- D. Present any one opinion as definitive.

## **Employee Participation**

**Q.** *Can staff participate in the walk-outs?*

**A.** School staff may be assigned to the demonstration for supervision and safety purposes. In terms of staff members’ participation in the protests, school leaders should check district policy for restrictions on political activities during the workday.

NJSBA’s model policy on controversial issues (6114) states the following:

Teachers must guard against giving their personal opinions on sectarian or political questions or any other controversial issues until the pupils have had the opportunity to:

- A. Find, collect, and assemble factual materials on the subject;
- B. Interpret the data without prejudice;
- C. Reconsider assumptions and claims;
- D. Reach their own conclusions.

**Q.** *What factors should the district consider if assigning staff to the demonstration or to alternative activities?*

**A.** Because the situation involves student safety, a school district may make such assignments even though they are outside a staff member's ordinary duties. However, such assignments should be consistent with any negotiated procedures in the district's collective bargaining agreement. These procedures may address employees volunteering for such assignments, making assignments on a rotating basis, or considering seniority when assigning staff.

Additionally, district officials should be cognizant of the possible impact of such an assignment in terms of compensation if it affects prep time, lunch, or duty-free periods, or if it involves assignment to another teacher's class.

School district officials should consult with their counsel on this subject.

NJSBA's [Legal](#) and [Labor Relations](#) Services Department can provide information concerning applicable statutes, administrative decisions and court rulings.

### **Agreement with Law Enforcement**

Every school district is required to have a memorandum of agreement with its local law enforcement agency. The agreement requires district personnel to report "any incident that involves threatened or planned violence" to police. The NJDOE guidance document also advises the following: "Maintaining a collaborative and open relationship between law enforcement and districts is a central tenet in providing the safest environment possible for students, teachers and staff."

## **ADDITIONAL GUIDANCE AND STRATEGIES**

Many school districts are deliberating over how they will address a student walk-out on March 14. Following is additional guidance from educational organizations. Also listed are examples of school district plans collected by the National School Public Relations Association.:

### **Council of Chief State School Officers**

- Meet with student leaders to assess their plans. Use this initial meeting to listen and ask question. Let students lead the discussion and ask how you can be supportive.
- Help ensure that any efforts to invite participation are open and that the events be inclusive of all students.
- At the same time, be sure student leaders are respectful of students who may not wish to participate, or students with opposing views.
- Talk with students about their plans for peaceful assembly. With student input, school administrators may be able to help students determine the best place for a peaceful assembly to take place on school campus, or discuss whether they are interested in alternative forms of protest, such as a 'walk-in' on the school campus.

- Remind students that the school district supports their rights to peaceful assembly and free expression, and that a student's safety is the most important priority. Reiterate that policies, rules and/or student code of conduct remains in place and will be enforced.
- Explain that there may be increased staff and law enforcement presence and that this presence is for student and staff protection and safety, not to quell their expression.
- Make this a teachable moment. Assess ways to turn this into teachable moments for students, staff and the community.
- *Proactively communicate with students, families.* Fully inform students and families when you know an event may be planned and once an event takes place. In addition, be transparent with students, families, teachers and staff on how the school district will handle absences if a student chooses to walkout.

### National School Boards Association

Be clear with students about what is acceptable in the school setting:

- Describe what, if any, consequences will result from “walking-out,” “walking in” to an administrative office, or otherwise missing instructional time, including any opportunity for make-up work. For example, perhaps a student's first “walk-out” is excused, but future ones are unexcused.
- Make sure any consequences are consistent with district policy, the student code of conduct, and past practice.
- Be careful not to apply consequences based on viewpoint.
- Distinguish between conduct (leaving class unauthorized) and expression (participating in a protest).

Michigan School Public Relations Association (guidance document developed with Michigan Association of School Boards and other state-level education groups)

### **Communicating with:**

#### Board/Administration

- Review your board policy on free speech.
- Review your Student Code of Conduct for rules and regulations.
- Know that responses and activities may vary by school district, but must allow for protected speech.
- Rely on your superintendent and administrators for your district's course of action.

#### Parents

- Repeat your key message about keeping students safe.
- Explain that school districts don't engage in protests. However, students have a free speech right and may express their political viewpoint, if it doesn't present a material or substantial disruption to the learning environment.
- Remind parents, if they are on school property during the school day, they are subject to the school's rules and regulations.

#### Media

- Designate a spokesperson.
- Use your key messages.

- Understand that you don't have to allow the media into your buildings, parking lots, or campus.
- Know that there is nothing to prevent them from setting up outside, across the street.

#### Community Members

- Remember the school is not required to allow community members to come on the property during the school day.
- During the school day, administrators can regulate who is on school property.

#### Rochester, MN Public Schools (news media statement)

“Rochester Public Schools administrators are aware of our students’ desires to create a peaceful statement against gun violence today with a 17-minute walk out at our high school levels. The principals at our high schools have had conversations with their staff and student leaders regarding this planned walk out. We support our students with their expression of free speech today. Students will not receive a consequence for a 17-minute peaceful protest.”

#### Clovis, CA, Unified School District (guidance to staff)

“Because the timing of these walkout movements presents a potentially negative impact on classroom learning if students miss valuable instructional time, and the safety of students would be compromised if students left campus without permission during the school day safety, it is our goal to identify alternate ways for student expression to occur on our campuses.”

#### Deerfield, IL, District 109 (message to school community)

“District 109 will not participate in the scheduled school walkouts around the nation. Our goal as an elementary school system is to promote student learning in an environment that supports mental and physical health. Participation in such events may increase the sense of fear and anxiety among our younger students, and would create additional safety concerns in ensuring sufficient supervision. In addition, we are a non-political entity; Board policy...prohibits staff from participating in political activity during school hours.

## **RESOURCES**

[Critical Policy Reference Manual](#), New Jersey School Boards Association (members-only, password protected)

[Navigating Student Walkouts and Mass Protests](#), National School Boards Association, March 1, 2018

[Guidance for Possible Student Demonstrations](#), New Jersey Department of Education, February 27, 2018

[CCSSO Recommended Guidance on Student Walkouts](#), Council of Chief State School Officers, February 23, 2018

[How to Approach Student Walkouts](#), Michigan School Public Relations Association, February 23, 2018