



March 9, 2018

Re: March 14, 2018 Nation-Wide Walkout

Dear New Mexico School District Superintendents –

On February 27, 2018 the Santa Fe Public School Board voted to approve a resolution to support students and staff in a nation-wide walkout scheduled for March 14, 2018. The Santa Fe Public School Board made this decision after hearing compelling testimony from students who discussed their fear of being killed in class after a string of school shootings culminating with the tragic mass shooting on February 14, 2018 at Marjory Stoneman Douglas High School in Parkland, Florida. The fear and pain that came across in the students' testimony in Santa Fe is representative of the pain and fear that students are experiencing throughout our entire state and across the nation.

We should not take our students' views and feelings lightly. It is important to keep in mind that students were critically important participants in the protests in Birmingham that resulted in the successful passage of the Civil Rights Act of 1964 and in protests across our nation that ended the Vietnam War. Recently, New Mexico students have been a vital part of influencing the public conversation around DACA and holding our state's leaders accountable to taking positions that require humanity when it comes to our state's Dreamers.

It takes courage for students to stand up for their beliefs, because so often it involves taking risks. Administrators are uniquely positioned to nurture a sense of social action in students by removing some of the barriers. It is our hope that the educators in our state will embrace this moment as an opportunity to teach our students about civic engagement as opposed to resorting to discipline.

In 1968 the United States Supreme Court made clear that students and teachers do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

Practically, this means:

- **Students cannot be punished for expressing their beliefs** unless it disrupts the operation of the school or the substance is lewd or vulgar; and
- **Students cannot be considered disruptive for wearing t-shirts, armbands, or other clothes or accessories that bear political viewpoints** – or face discipline as a result – just because someone may disagree with that view.

As students plan walkouts to press for changes in policy, please bear firmly in mind:

- **The U.S. and New Mexico Constitutions forbid disciplining students more harshly for politically motivated conduct** than for similar, non-political behavior; and
- **The ACLU of New Mexico may intervene if a student who leaves school as an act of political protest faces more severe punishment** than a classmate would for missing class for any other reason.

In closing, this letter is not meant as a threat, but a reminder that our nation is in historic times. Our young people are currently grappling with heavy issues including gun control in light of mass shootings in schools becoming the norm, and seeing their classmates' families torn apart as the government has grown more hostile toward immigrants—to name but two. We want to foster civic participation in the next generation, and we strive to encourage young people to stand up against injustice. It is our hope that you, as the leaders of our school districts, will ensure that our students feel supported when they make public expressions to demand justice.

Sincerely,



Leon F. Howard
Legal Director
ACLU-NM
P.O. Box 566
Albuquerque, NM 87103
lhoward@aclu-nm.org

cc:

David Cole
ACLU National Legal Director

Geri Rozanski
ACLU Director of Affiliate Support
& Nationwide Initiatives