



## Minnesota

As students in schools across the country, including in Minnesota, participate in a 17-minute walkout this week, the following legal principles should be considered by both school officials and students:

1. Students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." The Supreme Court in *Tinker v. Des Moines School District* made clear that students and teachers have First Amendment rights, applied in light of the special characteristics of the school environment.
2. The Supreme Court also said that a prohibition against expression of opinion, without any evidence that the rule is necessary to avoid substantial interference with school discipline or the rights of others, is not permissible under the First and Fourteenth Amendments. Whether a walk out, without more, amounts to a "material" and "substantial" disruption of school activities or interferes with other students' rights is questionable. School officials who encourage community engagement and integration of extra-curricular activities as part of a well-rounded education should be especially careful not to define behavior by students who "peaceably assemble" as a disruption of school activities rather than as behavior that demonstrates caring about or engagement in the community as often encouraged in school codes. School officials should not threaten discipline to discourage participation in specific expressive activities where there is no direct threat to a school or any students.
3. While students should be aware that missing school without a "legitimate exemption" may lead to discipline, schools have leeway to define what is a "legitimate exemption". Minnesota law lists several "legitimate exemptions(s)" and allows for "other exemptions included in the district's school attendance policy." Schools have the ability to interpret absence policies liberally to allow students to occasionally attend demonstrations, and should be encouraged to do so.
4. School officials must ensure that all students who choose to participate in a walk out are treated the same, regardless of the school they attend, who they are or the message they convey. Discipline imposed on any student participating in a walk out should not be harsher than that imposed on other students who intentionally absent themselves from school in violation of school rules for other reasons.
5. Students should be careful to understand and willing to accept the consequences of deliberately leaving school without following the school rules. Civil disobedience is a time-honored American tradition and has played a pivotal role in social movements starting with the Boston Tea Party. Students can learn more about civil disobedience here: <https://plato.stanford.edu/archives/win2016/entries/civil-disobedience>.