

CLIENT NEWS ALERT

Student Walkouts: Free Speech Rights vs. Truancy Rules

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Following this week's national election, school officials around the state have been faced with threatened or actual student walkouts. Generally speaking, California law and the United States Constitution prohibit school officials from limiting student speech and expression on school grounds unless it does or is reasonably forecast to substantially disrupt the educational environment, or is otherwise lewd, vulgar, obscene, or plainly offensive. This raises the question of whether student walkouts, imbued with expressive meaning, are subject to regulation by school officials.

As reported by [Lozano Smith in 2009](#), the Ninth Circuit Court of Appeals addressed this very issue in [Corales v. Bennett \(9th Cir. 2009\) 567 F.3d 554](#).

Corales involved school officials' response to student walkouts in protest of pending immigration reform measures in California. Under the Court's ruling in *Corales*, a school's prohibition against student walkouts because it will result in student truancy is regulation of student conduct, not student speech. In other words, regardless of the political nature or subject matter motivating the student walkouts or participation in public rallies, a school's anti-truancy policies and the regulation of same under applicable Education Code provisions is aimed not at the truant student's speech activities, but the student's required attendance at school absent an excused absence. As a result, students do not have a free speech right to leave school to participate in protests, and absences for this reason are not normally identified as excused.

Apart from the rule and guidelines under *Corales*, student reaction and expression to the election, either for or against its results, may present the opportunity for school officials and instructors to remind students of the importance of free speech rights and respecting the views of those with whom they disagree. Relatedly, school officials may wish to consider the California School Board Association's model Board Policy 6144, entitled "Controversial Issues," which many California school districts maintain. That model policy provides a sound framework for appropriately addressing controversial issues with students in the classroom.

If you have any questions about student walkouts, or student free speech rights in general, please contact the authors of this Client News Alert or an attorney at one of our [10 offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).



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