

March 6, 2018

Christopher Maher
Superintendent
Providence School District
797 Westminster Street
Providence, RI 02903

Dear Superintendent Maher:

As you know, in response to the tragic Parkland, Florida shooting last month, students across the country are planning a brief walkout on March 14th to demonstrate their concern for legislative inaction in addressing the problem of gun violence.

National news reports have indicated that in some school districts, students who engage in such a walkout will not only be subject to discipline, but will face more severe punishment than would otherwise be meted out for other types of unexcused absence from school.

While the ACLU recognizes that schools do have the discretion to discipline students who are absent from school without permission, it would clearly be unconstitutional to impose greater punishment on these students for their walkout than for any other departure from campus without permission. As a 1995 decision from the R.I. Commissioner of Education explained: "A student who engages in legitimate First Amendment activity, such as leaving class to peacefully protest...should not receive more punishment than a student who leaves class to engage in non-First Amendment activity, such as going to a store or to an eating establishment." *Anderson v. Cumberland School Committee*. Numerous court decisions since then have confirmed this basic point.

In addition, as you know, state law prohibits out-of-school suspensions as punishment for absenteeism, so any such discipline would also clearly be illegal here as well. R.I.G.L. §16-19-1(d).

If you have any questions about this, please feel free to let me know. Thank you.

Sincerely,



Steven Brown
Executive Director