

■ **Q: Can anyone else punish me for truancy?** Some cities have passed local laws, called ordinances, to punish truancy. You can find these laws on your city's website.

The City of Los Angeles' ordinance on truancy says that parents of students under 18 who are truant under state law and who "willfully violate" the ordinance can be fined up to \$250.00 and/or made to do community service. (*L.A. Mun. Code Section 45.04*)

■ **Q: What should I do if the school threatens to lock or block the school exits to prevent us from walking out of school in protest?** If you are worried about student safety because of a school lockdown, call your parents and the district superintendent's office.

Sometimes, school administration or the police might lock the school's gates to ensure safety. In general, locking exits to the school can pose serious health and safety concerns for students and staff.

Section 48900(v) of the California Education Code states: "It is the intent of the Legislature that alternatives to suspensions or expulsion be imposed against any pupil who is truant, tardy, or otherwise absent from school activities."

Section 48900.5 of the California Education Code states that "[s]uspension shall be imposed only when other means of correction fail to bring about proper conduct."

DO YOU WANT YOUR VOICE TO BE HEARD? DO YOU WANT TO PARTICIPATE IN THE NATIONAL DEBATE OVER IMMIGRANTS' RIGHTS? TAKE ACTION!

- Organize a letter-writing campaign to your senators and congress members.
- Stage a "teach-in" after school or during lunch about immigration reform. Find out about community events and organizations that support immigration reform.
- Organize a school-wide forum or ask your school and your teachers to organize classroom discussions.
- Attend a school board meeting to press your school district to pass a resolution against H.R. 4437.

FOR MORE INFORMATION about truancy tickets, call the student walk-out helpline: Help in English: (310) 712-6373 Help in Spanish: (310) 712-7066



ACLU/SC
1616 Beverly Blvd.
Los Angeles, CA 90026-5711
www.aclu-sc.org

CALIFORNIA STUDENTS: PUBLIC SCHOOL WALK-OUTS & FREE SPEECH

**KNOW
YOUR
RIGHTS**



PARTICIPATE IN ORGANIZED AND PEACEFUL PUBLIC RALLIES AFTER SCHOOL OR ON THE WEEK-END. WALKING OUT OF SCHOOL COULD HAVE NEGATIVE CONSEQUENCES, INCLUDING BEING FINED. IT COULD ALSO NEGATIVELY AFFECT YOUR GRADES AND ATTENDANCE RECORD. MAKE SURE YOU UNDERSTAND ALL THE CONSEQUENCES OF WALKING OUT BEFORE YOU DECIDE TO MISS SCHOOL.

✌️ YOUR FREE SPEECH RIGHTS

The law is on your side! You do not lose your free speech rights just because you're in school. The First Amendment of the US Constitution, the California Constitution and California state law give you the right to speak freely and express yourself.

■ What You ARE ALLOWED To Do

- Distribute flyers
- Wear buttons
- Hold a peaceful sit-in demonstration
- Publish an unofficial newspaper

■ What You ARE NOT ALLOWED To Do

- Distribute ANYTHING that is
- Obscene
 - LIBELOUS – something that's untrue, harmful and defamatory
 - Likely to incite an immediate disruptive or dangerous disturbance.

■ What Your School IS ALLOWED To Do

- Restrict the time and place of your demonstration or protest event.
- Limit distribution of obscene and libelous materials.

■ What Your School IS NOT ALLOWED To Do

- Punish you for expressing yourself.
- Stop you from giving out information just because the school thinks the topic is controversial.
- Punish students who participate in a walk-out more harshly than students who have an unexcused absence.

Q&A

■ Q: Students in the Human Rights Club are passing out flyers opposing pending immigration legislation and calling for students to attend a rally after school. The material may offend some students and faculty. Does the school have to allow the students to pass out the flyers? Yes. As long as the flyers are not obscene or libelous, and they don't incite imminent unlawful acts or disruption of the school, the school must allow students to pass out their flyers.

■ Q: Students are planning to hold a sit-in demonstration during lunch in the school cafeteria to protest pending immigration legislation. Can the school stop the students from holding the demonstration? No. The school can restrict the time and place of the demonstration for purposes of safety and order, but the school must let the students demonstrate peaceably.

■ Q: What should I do if my school threatens to punish students who participate in a walkout? Check your student handbook and your school's and your district's attendance policy on the consequences of missing school.

Under California law, students under the age of 18 are subject to compulsory education, which means that they MUST be in school during the day. Because the law requires you to attend school, the administration can punish you for missing school, even if it's for a political protest.

But the school cannot punish you more harshly for missing school to protest than it punishes students who are absent for any other reason. Unexcused absences should be treated the same regardless of the reason. You might have to go to detention or attend Saturday classes for missing school to attend a protest, if that is the usual punishment for unexcused absences.

! If you participate in a walk-out, make sure it is organized and peaceful, and avoid confrontation! You can be punished for other things you do while you walk out, such as talking back to a teacher or disrupting class.

■ Q: Can I be suspended for walking out of school to attend a rally or protest? Generally, no. The law says that schools cannot suspend students just for having unexcused absences. (Section 48900(v) of the California Education Code.)

The law also says that, except with certain serious offenses (which do not include unexcused absences), schools may suspend students only as a last resort. (Section 48900.5 of the California Education Code.)

If you do not have a history of unexcused absences, your school cannot suspend you just for walking out of school peacefully.

If you are a student in the Los Angeles Unified School District (LAUSD) you should not be suspended, expelled, or Opportunity Transferred for truancy or any other attendance related matters.

IF THE CITY OF LOS ANGELES FINES YOU OR YOUR PARENTS FOR TRUANCY, CHECK WITH A LAWYER. YOU MIGHT BE ABLE TO FIGHT IT. THERE ARE MANY EXCEPTIONS TO THE CITY OF LOS ANGELES TRUANCY LAW, INCLUDING "ATTENDING OR GOING TO OR RETURNING DIRECTLY HOME FROM A PUBLIC MEETING." TRY TO FIND A LAWYER TO GO TO COURT WITH YOU IF YOU RECEIVED A TRUANCY TICKET. MAKE SURE YOU KEEP A COPY OF YOUR TICKET AND OF ANY OTHER DOCUMENTS YOU GET FROM THE COURT.

■ Q: What does it mean to be "truant"? The law says that a student is a truant if she/he is "absent from school without valid excuse three full days in one school year or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof." (Section 48260 of the California Education Code.) If this is your first or second



- ➔ Check your school's student handbook and your district's attendance policy to learn about the consequences for missing school!
- ➔ Check with your teachers about assignments or ways to make up work if you missed class!
- ➔ Make sure the rules on unexcused absences are applied fairly!

unexcused absence or tardy in this school year, your school cannot report you as a truant!

■ Q: How can my school punish me for truancy? The law allows schools to punish truant students in specific ways. (Section 48264.5 of the Education Code.)

After any truancy, the school can make you attend makeup classes on a weekend. Also:

- ➔ After the first offense, a written warning can be put in your school file and given to the police.
- ➔ If you are truant a second time in the same year, you may be assigned to an after school or weekend study program.
- ➔ If you are cited for truancy a third time within that same year, you can be classified as a "habitual truant" and be made to attend a program to help you.
- ➔ If you are cited a fourth time, you can be made a ward of the court, made to do community service, or attend a program. If you are reported as truant, your parents can also be charged a money fine.