



March 12, 2018

J. Alvin Wilbanks
CEO/Superintendent
Gwinnett County Public Schools
437 Old Peachtree Road, NW
Suwanee, GA 30024-2978

Re: Disciplinary Action of Students Participating in Walkouts in Support of School Safety

Dear Mr. Wilbanks:

Gwinnett County Public Schools (GCPS) March 8th Statement threatening students with disciplinary “consequences” for participating in the Walkouts in Support of School Safety without identifying the “meaningful ways” that GCPS will allow “students to express themselves and share their concerns” on the issue of school safety raises concerns that GCPS is hostile to either the content of the student speech or the viewpoint that the students will be expressing.

Students have a right to engage in political speech on campus during the school day.¹ Student speech on the issues of school safety and gun violence is political speech that students have a right to engage in on campus on March 14th.

By issuing its March 8th threat of discipline without identifying the “meaningful ways students can express themselves and share their concerns” on the issues of school safety and gun violence appears to be hostile toward student speech on these issues and intended to chill student speech on the issues of school safety and gun violence.

Hostility toward a category of speech, here – school safety and gun violence, or toward the viewpoint expressed by students violates the First Amendment to U.S. Constitution and the free speech guarantee of the Georgia Constitution.²

GCPS’ statement that students will be disciplined for “being tardy to class, missing class, or creating a disruption to the school day” does not accurately reflect the standard set out by the Supreme Court of the United States in *Tinker v. Des Moines*. GCPS may not discipline a mere disruption to the school day. Before students can be disciplined for their speech, including symbolic conduct, the speech must cause a “material and substantial disruption with school activities.”³

Moreover, GCPS can not discipline students who participate in the March 14th Walkout more harshly than a student who is tardy to class or misses class for another reason. Any disparity in the severity of punishment is a punishment for the content of the student speech and is unconstitutional.

GCPS has a history of adjusting to allow students to be tardy to class or miss portions of class when they are collecting funds for Relay for Life. Thus, any discipline imposed on students for expressing their views on school safety and gun violence on March 14th should be the equivalent of that imposed on students who have participated in the Relay for Life.

Sincerely,

Marlyn Tillman
Executive Director

¹ See *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969)

² U.S. Constit. Amend. I; Ga. Constit., Art. I, Sec. I, Para. V.

³ *Tinker*, 393 U.S. at 514.