



## The School District of Greenville County

R. Douglas Webb  
General Counsel

March 15, 2018

Susan K. Dunn  
Legal Director  
American Civil Liberties Union  
P.O. Box 20998  
Charleston, SC 29413

RE: FOIA Student Walk-Out

Dear Susan:

The District is in receipt of the letter that you sent to Dr. Royster yesterday, March 14, 2018. First, let me completely dispel the falsehood that League Academy or the school resource officer assigned to the school planned to bar the door to prevent students from leaving during the walk-out. League Academy, as with other middle schools and high schools in the District, had students who participated in the walk-out. Those students went outside for a period of time to engage in their expressive activity and then returned to class. The District's clear position was that students were not to be physically prohibited or prevented from participating in the walk-out.

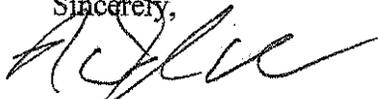
With regard to the walk-out, students who decided to participate in the activity have received a referral for the violation of the District's Behavior Code, Board Policy JCDA, for cutting/leaving class. This referral, in this instance, does not carry any substantive discipline, such as a suspension or even detention. Instead, the referral documents the students' behavior and serves as a warning to those students. The District is certainly able to enforce school rules related to attendance, student supervision, and protecting classroom instruction. The *Tinker* standard does not apply when the District is enforcing content-neutral general school rules governing conduct. See *Jacobs v. Clark County Sch. Dist.*, 526 F.3d 419 (9<sup>th</sup> Cir. 2008); *Corales v. Bennett*, 567 F.3d 554 (2009). In the present case, schools were simply enforcing the content and viewpoint neutral requirement that students not cut class and instead remain under the supervision of their teacher while continuing to advance learning.

The District recognizes and supports a student's ability to voice their thoughts and positions consistent with school rules and applicable law. It is important for the ACLU to understand that schools have worked over the past several weeks and continue to work with students to engage in alternative expressive conduct that does not result in the

contravention of school rules. Most students chose to participate in these options yesterday as compared to the walk-out.

While the District has taken a reasonable and legal stance in imposing minimal consequences for participating in yesterday's walkout, I am willing to discuss the District's stance and actions with you in greater detail. Please contact me if you would like to talk.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Webb", written over the typed name below.

Doug Webb

Cc: Dr. Burke Royster, Superintendent