

## **Questions and inquiries to submit to schools, school boards, and school districts**

Dear School Board Members, Director (and/or School District Superintendent),

I am a concerned parent/student/teacher who has been informed of the School Board/School District's inconsistent handling of students' free speech rights. As this body knows, in order to prohibit the expression of an opinion, a school/district/board must show that its prohibition was not motivated by a desire to avoid discomfort or unpleasantness, or else such official action by the school/district/board probably violates the First Amendment. To constitutionally restrict protected speech, the school/district/board must be able to show that the speech it seeks to prohibit substantially interferes with the educational process. For example, if the speech being prohibited or restricted does not interrupt school or intrude on the rights of other students, it cannot be censored under the First Amendment. Speech simply being controversial and causing serious discussion outside of school or class does not give a government body grounds for censorship.

Accordingly, I submit the following questions and inquiries in the hopes of gaining clarity regarding the motivations and justifications that led the school/board/district to engage in the restriction of speech in this instance:

- (1) Please identify all your reasons for restricting speech of [specify student, activity, and date] in this instance.
- (2) Please identify the disturbing, intrusive, or disruptive effects this speech caused.
- (3) Please provide us with an explanation that outlines this governmental body's basis for identifying such speech as disturbing, disruptive, or intrusive to the educational environment. Be specific in explaining how this speech affected school and students.
- (4) Please explain the extent to which your decision to restrict the underlying speech was not motivated by a desire to merely avoid the discomfort or unpleasantness associated with reactions to the speech that was restricted. Also explain how your decision was not motivated by desire to avoid controversy or the serious discussions that would unfold outside of class or school with regards to the restricted speech.

Furthermore, as this body is well aware, viewpoint neutrality is a core tenant of the First Amendment. Nonetheless, we fear that your motivations to restrict the underlying speech stemmed from an intent to specifically censor, prohibit or restrict the distinct viewpoint expressed here. As such, we ask that you address the following questions and inquiries:

- (1) Please identify every school/board/district policy that you believe authorizes the restriction of speech in this instance.
- (2) Please identify all similar instances of speech restrictions that were instituted pursuant to this policy and explain how such restrictions were imposed according to the generally applicable policy, and not by a desire to silent the specific viewpoint expressed.
- (3) Please provide us with the viewpoint neutral reasons the school/district/board determined that the underlying speech in this instance was disruptive, or otherwise warranted restriction.
- (4) Please explain how your decision to restrict speech in this instance was not motivated by fear of the reactions that audience members or other people in the community would have to the underlying speech.

Finally, we ask that you provide us with a complete and exhaustive explanation of how the school plans to adhere to its obligations under the First Amendment regarding future speech or expressive conduct on the issue raised above.

Lastly, we ask that you provide us with all training materials provided to school officials, staff and teachers with regards to their First Amendment obligations to protect student speech and refrain from viewpoint discrimination, pursuant to RCW 42.56.080.