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To Whom It May Concern:

We write concerning the ongoing national conversation about reproductive rights and abortion access, topics which especially impact young people in this country, and to ask that students at your school are allowed space and access to express themselves regarding this topic. Specifically, we ask that you ensure that students at your school who choose to participate in protests or walkouts can do so without risk of disciplinary action or interference from local law enforcement.

The recent leak of a draft Supreme Court opinion in *Dobbs v. Jackson Women's Health Organization* has fueled a national conversation about reproductive healthcare and abortion, and we should certainly applaud, listen to, and learn from students as they demand change. An important part of our students' education is being introduced to themes of a national and global scope, and encouraging students to engage with those issues in appropriate and democratic ways. It is understandable and indeed expected that students may have strong reactions to the current issues like this one, and their efforts to understand, engage, and speak out about that should be encouraged, not deterred.

Should your school district choose to enforce disciplinary action against students who participate in protests or walkouts, however, we ask you to remember that these students cannot be punished more harshly than students who are absent for other unexcused reasons. To do so would amount to a content-based regulation of speech, which would violate students' constitutional rights.<sup>1</sup> As we are sure you are aware, students "do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."<sup>2</sup>

Schools provide students not only with an academic education, but also an education in engaged citizenship and democracy. Therefore, we urge you to instruct school personnel to permit students to participate in these protests without fear of discipline or arrest. We thank you for your support of our students' free speech.

ACLU of Kentucky

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<sup>1</sup> See e.g. *Ashcroft v. Am. Civil Liberties Union*, 542 U.S. 656, 660 (2004).

<sup>2</sup> *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969).