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“Free J.R.”: Free Speech Victory for Student

The ACLU-WA has gained a victory for a high school student in Eastern Washington who was wrongfully kicked out of school for exercising his free speech rights. The student had worn a sign on his shirt expressing support for a fellow student whom he felt received unfair discipline.

“Students have the right to speak their minds about issues at school. Exercising free speech rights help students learn how to become active citizens in a democratic society,” said ACLU-WA staff attorney Harry Williams.

Last February, Damon Alvarez, a student at Highland High School in Cowiche near Yakima, wore a sign on his shirt saying “Free J.R.” Alvarez intended to show support for a senior – J.R. – who was suspended for writing his name in block letters on a math assignment turned in to his teacher. Alvarez and other students were concerned that the suspension would prevent their classmate from graduating.

Alvarez wore the “Free J.R.” sign during an assembly and one class, then proceeded to lunch in the school cafeteria. When the principal (who was in the lunchroom) directed him to remove the sign, Alvarez politely declined. The principal responded by “emergency-expelling” Alvarez; the expulsion then became a one-day suspension. Concerned about the disciplinary action’s possible impact on his prospects for college, the student and his mother contacted the ACLU-WA for help.

The ACLU reminded the district of the landmark U.S. Supreme Court ruling (in *Tinker v. Des Moines*) that says students in public school do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” We pointed out that *Tinker* makes clear that administrators cannot punish students based on mere speculation that student speech might be disruptive. Indeed, there was no evidence that Alvarez’s wearing of the sign in any way disrupted an educational activity at the school.

This September, the school district agreed to expunge mention of the disciplinary action from Alvarez’s school record. The student is now a senior and is preparing to apply to colleges.

ACLU-WA cooperating attorney Randy Gainer of David Wright Tremaine LLP and staff attorney Harry Williams represented the student and his mother.

To learn more about student rights, see these publications available on the ACLU-WA website: “Know Your Rights: A Guide for Public School Students in Washington” and “Parents’ Guide to Public School Discipline in Washington.”