



AMERICAN CIVIL LIBERTIES UNION

New Jersey

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Dear New Jersey School Administrators, Educators, and Officials:

As the war between Israel and Hamas enters its eighth month, students across the country have been expressing a wide range of views regarding the ongoing conflict. We unfortunately have observed that many who are expressing support for the people of Palestine have been silenced and censored in public schools in New Jersey. In this critical moment, the undersigned organizations urge you to support student efforts to engage with the challenges of our time and encourage a spirit of civic participation in the various forms it may take.

Students taking action and calling for the change they seek is not new. High school students have taken a leading role in social justice movements for decades, to historic ends during the Civil Rights Movement, the Vietnam War, and, more recently, the Black Lives Matter movement and the movement against gun violence. It takes courage for students to express their beliefs, because so often it involves taking risks. In a democratic society, students will be faced with differing opinions and conflicting information. School leaders are uniquely positioned to nurture the importance of healthy civic participation and a sense of social action among students, and we encourage you to make every effort to remove barriers to participation and to respect diverse viewpoints.

Especially when considering viewpoints regarding the conflict in Israel and Palestine, it is critical to distinguish political expression and peaceful protest from incidents that are antisemitic, anti-Israeli, anti-Muslim, anti-Palestinian, and/or anti-Arab. Schools are responsible for addressing incidents of discrimination. Yet, discriminatory conduct does not give license to school administrators to suppress political viewpoints simply because those viewpoints may offend people in the community or generate difficult conversations.

Outside of school, as you know, students enjoy the same rights to protest as others. During school hours, students have protection for political speech under our state and federal constitutions. In practice, this means:

- Students cannot be punished for expressing their beliefs unless it substantially disrupts school functioning, or the substance is lewd or vulgar.

- Students cannot be considered disruptive for wearing t-shirts, armbands, or other clothes or accessories that bear political viewpoints – or face discipline as a result – just because someone may disagree with that view.

As students plan events to bring attention to injustices taking place today in our country and around the world, please bear firmly in mind:

- The Constitution forbids disciplining students more harshly for politically motivated conduct than for similar, non-political behavior. For example, it would be unconstitutional for a school to impose a more severe punishment on a student who leaves school as an act of political protest than it normally would impose on a classmate who, for example, ditches class to meet friends at a diner.

Instead of resorting to discipline, we urge your district to embrace moments like these as an opportunity for students to learn firsthand about civic engagement, no matter the cause at the center. Public schools are essential in educating young people about democracy, and that includes their role in practicing it, especially during difficult times. The strength of our commitment to democracy is tested in what we choose to do in times of discomfort.

Students' actions during this political moment – and the lessons they learn – will stay with them throughout their lives. As we all reflect on what lessons young people should take from this moment, we must also ask ourselves: what is our responsibility to the next generation? We hope that you will join us in honoring foundational constitutional values, encouraging civic participation, and supporting young people as they affirm – and advance – the very best of our democracy.

Sincerely,

ACLU of New Jersey
American Friends Service Committee | NJ Immigrant Rights Program
Bergen County Immigration Strategy Group
Black Lives Matter Paterson
Black Lives Matter NJ
CAIR New Jersey
Casa Freehold
Coalition for Peace Action
Compassionate Clergy of America
Emmaus Community
Faith in New Jersey
First Friends of New Jersey & New York
FOSNA (Friends of Sabeel North America)
From Street to Christ

IfNotNow North Jersey
JVP North New Jersey
Montclair for Palestine
Movimiento Cosecha
New Jersey Alliance for Immigrant Justice
New Jersey Harm Reduction Coalition
New Jersey Policy Perspective
New Labor
Newark Communities for Accountable Policing
Occupy Bergen County
Our Revolution NJ
Salvation and Social Justice
Seeds & Berries
Wind of the Spirit, Immigrant Resource Center
Working Families Party of New Jersey