

STUDENT EXPRESSION



RIGHT TO AN EDUCATION

Do I have the right to freedom of speech while I am at school?

YES. You do not lose the right just because you are at school or a student.

What is freedom of speech?

Freedom of speech protects your right to express your ideas and beliefs in the manner that you choose. Freedom of speech protects what you say, what you write, and how you express yourself. It protects your ability to protest, meet with other people, and organize.

Can my school place limits on my freedom of speech?

SOMETIMES, YES. But only if your expression causes a “substantial disruption” at school or infringes on the rights of other students or school staff.

What counts as a “substantial disruption”?

Your speech creates a substantial disruption when it encourages violations of school rules or illegal activities.

When does my speech infringe on the rights of others?

Your speech infringes on the rights of others when it substantially interferes with another person’s education or physical or mental health, when it threatens or intimidates another person, when you say untrue things that may harm another person’s reputation, or when you use obscene or vulgar language.

Can my school stop me from expressing my opinion because they don't like it?

NO. Schools officials can’t censor you just because they don’t agree with your point of view.

Can my school restrict the type of language I use to express myself?

SOMETIMES, YES. For example, your school has the right to say that students cannot use profanity. It can also limit your speech if it contains language that contains graphic sexual references.

Can my school restrict speech about drugs or other illegal activities?

YES.

Can my school restrict speech that it considers “false”?

DEPENDS. Your school can ban speech that it considers “libelous” or “slanderous.” These terms mean speech that (1) you know is false or should know is false, and (2) is harmful or potentially harmful to someone else's reputation.

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Can my school restrict speech that criticizes school officials?

NO, unless your criticism includes profanity, inappropriate sexual references, or slanderous statements.

Can my school restrict speech that it says is “harassment”?

YES. If your speech is causing substantial interference with the education or physical or mental health of another student, or is threatening or intimidating another student, then it is not protected.

Can my school punish me for speech that it considers to be a “threat”?

YES, if your speech intends to threaten harm. Your words must be so clear and convincing that the person has a reasonable fear for his or her safety.

Do I have the right to organize a protest at school?

YES, so long as it is a peaceful and orderly protest. For example, this could include one at lunch or before or after school. If you are organizing a protest, you should check your school’s written rules on student speech.

Can my school censor my article for the school newspaper?

NO, unless your article contains profanity, inappropriate sexual references, or slanderous statements.

Do I have the right to pray at school?

YES, so long as your prayer does not disrupt other students or force them to participate.

What can I do if my school tries to censor or prevent my speech?

If your school is trying to censor your speech, you should ask to see their rules. Your school is required to write down its rules on student speech and publications.ⁱ

You should also ask your school to explain why it wants to ban your expression.

If your school thinks your speech is substantially disruptive or infringes on the rights of other students it may have the right to censor your speech. You may have to go to court to get a final decision.

ⁱ California Education Code § 48907

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Can my school punish me for refusing to participate in the Pledge of Allegiance or kneeling during the National Anthem?

No, so long as you refuse to participate in a non-disruptive way. In other words, you do not talk, yell, or interfere with those who want to participate. Silent forms of protest, such as sitting down while the Pledge is being delivered, or kneeling while the National Anthem is being sung at sporting events is protected expression, and teachers and school administrators may not punish you for doing so. It is irrelevant if your protest takes place during a mandatory school activity, such as the recitation of the Pledge at the beginning of class, or during a voluntary activity, such as at an extracurricular sporting event. It also does not matter how others react to your expression; as long as you were not being disruptive, you cannot be punished or forced to participate.



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