

KNOW YOUR RIGHTS HANDBOOK

Student rights are a special civil liberties area. On the one hand, students don't "shed their constitutional rights" when they "enter the schoolhouse gate," as the U.S. Supreme Court said in the landmark 1969 student free speech case, *Tinker v. Des Moines*.

On the other hand, the rights students might otherwise enjoy outside of school can sometimes be limited when they're in school. Dress codes, for example, can be imposed in schools, but not when students (or others) are out and about in general society.

Schools have a special interest in maintaining an environment where students can learn, the court said in *Tinker*. And other students have a right to access the educational opportunities their school provides.

These circumstances present a tricky challenge in understanding student rights. You have to know the Constitution. But you also have to understand the authority courts have granted school officials to limit those rights.

FREE SPEECH

To prevent disruption of the educational process, public schools can adopt reasonable rules to regulate when ("time"), where ("place"), and how ("manner") students may exercise their free speech rights.

In the *Tinker v. Des Moines* case, the U.S. Supreme Court said students have the right to free speech at school unless their speech would cause a "material and substantial disruption" to class or school activities, or would infringe on the rights of others.

Speech does not create a material and substantial disruption just because it draws attention, or because a teacher does not like it. To be a material and substantial disruption, it must be a real disruption of the class or school activity.



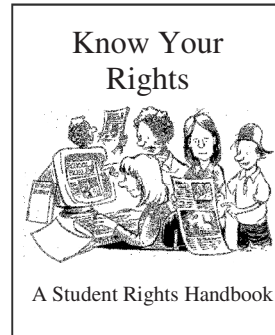
Harassment is prohibited in Vermont schools. Harassment includes things you say or expressive actions you take belittling or intimidating people who belong to what are called "protected classes" — African-Americans, women, gays and lesbians, disabled individuals, and people expressing religious beliefs. The line between harassment and free speech can be very blurry at times, however.

Schools may censor obscene or profane student speech. They may also censor articles in school-sponsored student newspapers as long as the censorship is "reasonably related to legitimate pedagogical concerns" — in other words, an identified educational purpose. Further limits to student speech — concerning messages about drugs — were allowed in a recent Supreme Court case.

A further complication is that the rights of students at private schools aren't protected by the Constitution since the schools aren't government-run.

The ACLU-Vermont has developed a new student rights handbook to help students (as well as parents and school officials) navigate these tricky waters. *Know Your Rights* is available on our Web site, www.acluvt.org/pubs. A PDF version can be downloaded and printed. If you don't have access to a computer, contact the ACLU-VT office (223-6304) and request a paper copy.

In this Focus sheet, we provide a sample of what's in the handbook. Information is organized by general subject area (free speech, religion, search and seizure, etc.).



FAQs

In our *Know Your Rights* handbook, you can find the answers to a wide range of questions:

- Can I be made to recite the Pledge of Allegiance?
- Can my school make me wear a school uniform?
- What rights do I have to protest and organize?
- Can I take a date of the same sex to my high school prom?
- Can a student be kicked out of school for being pregnant?

Log on to www.acluvt.org/pubs to access all the FAQs.

