



YOUTH Resources



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Here is an introduction to some ways the U.S. Supreme Court has affirmed youth rights to free speech. In some cases, youth may have more power to protest than adults. This list only shows some examples of what is possible, and you should do your own research before proceeding.

Students do not shed their constitutional rights at the schoolhouse gate. This includes their right to peaceful, non-disruptive protest.

Example: Students wore black armbands to protest the Vietnam War and were suspended from school for it. The Supreme Court ruled in favor of the students, stating that school officials do not have absolute power over them, and students do not shed their rights or freedom of speech and self-expression at the schoolhouse gate. (Tinker vs. Des Moines Indep Community Sch Dist (1969))

This Means:

- Students have the right to speak out, hand out flyers and petitions, and wear expressive clothing (as long as students or their actions do not disrupt school function or violate school policies that do not hinge on the message expressed.)
- What counts as “disruptive” will vary by context, but a school disagreeing with your position or thinking your speech is controversial or in “bad taste” is not enough to qualify.
- If you do not violate school policy, they cannot punish you just because they do not agree with your message. For example, if there is no policy on t-shirts, they cannot stop you from all wearing t-shirts that are the same color in a protest, or one with a message that supports your cause.
- Outside school, you have the fundamental rights of any citizen, and on social media, you are allowed to speak your mind as long as you are not targeting anyone in the school specifically.

Find out more from the ACLU
(American Civil Liberties Union)!



School attendance is a property right protected by the due process clause, and students have the right to due process before punishment.

Example: The Supreme Court ruled that students need a hearing before they can be suspended, because to do otherwise denies them their due process. (Gross vs Lopez (1975))

This Means:

- If you are going to be punished for protesting in a non-disruptive way you have the right to a hearing and can fight it!
- They cannot suspend you for more than a few days and have to allow you the opportunity to make up any schoolwork missed.
- You must be given due process before you are suspended for anything.

The 4th Amendment against unreasonable search and seizure applies to the searches of students by school officials.

- School officials can search students if they have probable cause and are reasonable. (New Jersey vs. T.L.O. (1985))
- The school cannot search your belongings without a reason, and that can't be because they wanted to or they had a feeling you were guilty of something.

Not protected / Not a right

There is no right to education. In the case of San Antonio ISD vs. Rodriguez (1973) the Supreme Court ruled that “Education is not a fundamental right guaranteed by the US Constitution.”

This Means:

While education for minors is compulsory, it is not a right. It is a requirement mandated to you by the government, meaning they have to provide you with an education and cannot “kick you out” or deny you access entirely. You can be suspended, expelled, required to move to a different school, or placed in an alternative school after due process.