

# YOUR RIGHTS AS A STUDENT PROTESTER

## KNOW YOUR RIGHTS



Public school students do not lose their right to free speech when they enter the school building. Students can distribute flyers and petitions or wear expressive clothing. They can even speak out about controversial topics or protest the school's own policies and actions.

**There are, however, some limits on what students can do.** Below are answers to common questions about how public schools can respond to demonstrations.

### **What are my rights to protest in school?**

Generally, you have the right to speak out so long as you do not substantially and materially disrupt school operations. A school can punish you for disrupting class by speaking out of turn or for leaving without permission, even if you did so to make a political statement.

The school can also require you to follow "content-neutral policies," which do not focus on the message you express. These include dress codes, restrictions on leaving school without permission, or rules against posting on walls. A school can prohibit you from wearing hats in the classroom, because that rule is not based on what the hats say, but it can't prohibit you from wearing a pro-NRA or pink pussycat hat, for example.

### **Can students who participate in a walkout be punished for leaving class?**

Yes. If your school normally does not allow you to leave the building without permission, then you do not have any special right to do so to engage in a political demonstration. But, just because the school is authorized to punish you does not mean they must do so. It is worth asking for leniency.

### **Can students be punished more severely for participating in a walkout rather than leaving for other reasons?**

No. Imposing harsher punishment on students who skip school to engage in political activities than on those who cut school for any other reason violates the First Amendment. If you believe this happened to you, please let us know so we can gather more information.

### **If I leave school for a walkout, can I be picked up by truancy officers or stopped by law enforcement?**

Yes. If you are not physically present in school during school hours, you may be stopped by truancy officers. We encourage you to participate in a permitted protest event to minimize your risk. However, even attending a permitted event during school hours may not shield you from truancy enforcement.

For more information on your rights as a student protester, email us at [schools@nyclu.org](mailto:schools@nyclu.org).



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### **Can students with prior disciplinary history be punished more severely than others for participating in a walkout?**

Yes. Your school may increase the severity of your punishment if you have already committed a previous offense. This is why the NYCLU urges schools to carefully consider the consequences of disciplining students for participating in protests: some students will be more impacted than others. Review your school's Code of Conduct for specific guidance. The school must provide this to you at the beginning of the school year and make copies available to parents.

### **Can schools prevent students from leaving the building to participate in a walkout?**

Yes. We encourage schools to support students' rights to protest, but schools may take reasonable steps to prevent rule violations, including walkouts. Most schools have rules against leaving class or the building without permission. Some schools may allow students to gather inside the school to protest but may still punish students who leave school. Some may not punish students who leave with their parents' permission, while punishing students who leave without it.

Just because a school may take reasonable steps to prevent rule violations does not mean that a school's decision is a wise one. You have the right to criticize the school, including by talking to the media, using your own time and resources when you are not at school.

### **Can schools block exits or schedule drills to prevent students from participating in a walkout?**

No. Report any instances to the New York State Education Department and the Commissioner of Education at (518) 474-3852.

### **Can schools prevent students from carrying signs during walkouts?**

It depends. Generally, students should be allowed to have signs, so long as they aren't too big or otherwise displayed in a way that disrupts school operations or violates content-neutral rules. If you are prohibited from displaying a sign, let us know so we can gather more information.

### **What can I do if my school suspends me?**

You may be able to appeal the suspension. See our "[Know Your Rights When Facing a Suspension](#)" guide in English or Spanish. You may have to first appeal your suspension to the school board, so check your school's Code of Conduct. You can then appeal your suspension to the Commissioner of Education, but you only have 30 days to initiate an appeal. The rules can be complicated and you may want to consult a lawyer.

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