



## STUDENT RIGHTS

### WHAT RIGHTS DOES A STUDENT HAVE WHILE IN SCHOOL?

While on school grounds, a student has **rights under the United States Constitution** and **rights granted explicitly to students**.

#### Rights Under the United States Constitution

**1st Amendment Rights:** Freedom of religion, speech, press, assembly.

**4th Amendment Rights:** Freedom from unreasonable searches and seizures (without “probable cause”).

**5th Amendment Rights:** Right to trial for punishment and deprivation of liberty or property; freedom from self-incrimination.

**6th Amendment Rights:** Right to a speedy trial and confrontation of witnesses.

**8th Amendment Rights:** Protection against “cruel and unusual punishment”.

**9th Amendment Rights:** Rights granted elsewhere, but not in the constitution, still apply.

#### Rights Granted Explicitly to Students

##### *Disciplinary and Criminal Proceedings*

- Before a school can suspend a student for 10 days or less, it must notify the student of the potential suspension, and give that student a chance to defend himself or herself.
- Before a school can expel a student, it must provide the student a hearing, and give that student the right to appeal the expulsion.
- During any juvenile or criminal proceeding that could result in incarceration, students have a right to due process (e.g., the right to a fair trial and to question witnesses and evidence).
- During a juvenile trial, the prosecution must prove a student’s guilt “beyond a reasonable doubt.”

##### *Extra-Curricular Activities*

- Schools must allow students to form extra-curricular clubs at school if other extra-curricular clubs exist on campus. A school cannot deny a club because of political, philosophical, or religious content.

##### *Military Recruiters*

- Schools must notify students and parents of their option to keep a student’s information confidential from military recruiters.

##### *Press*

- School principals have oversight and authority over any school-sponsored publication created by a student or group of students (e.g., a school newspaper).

##### *Religion*

- Schools cannot pressure or coerce students to participate in a prayer in the school environment.
- Schools cannot pressure or coerce students to participate in a prayer as part of a public school graduation.
- For religious reasons, schools cannot force students to recite the “Pledge of Allegiance.”

***Search and Seizure***

- Schools are permitted to randomly drug test students involved in extra-curricular activities.
- An administrative official may only conduct a search of a student on a reasonable and justified basis (based on reasonable suspicion), and in an appropriate manner given the age and gender of the student.

***Speech***

- Schools must honor students' right to free speech, unless it disturbs the functioning of the school.
- Schools may restrict students' speech if it would be considered obscene, lewd, vulgar, or offensive to a mature audience.

**ADDITIONAL INFORMATION**

It may be possible that certain school districts have expanded on these rights. For confirmation, please reference your district's "student code of conduct" or ask a school administrator. If you have any additional information or questions, please contact us using the information below.