

POLITICAL SPEECH IN SCHOOLS

KNOW YOUR RIGHTS



CAN I EXPRESS MY POLITICAL VIEWS AT SCHOOL?

Yes. The First Amendment protects your right to expression in schools. That includes your rights to speak—either through spoken words or in writing (like petitions or leaflets)—and displaying symbols that convey a message (like buttons, armbands, and t-shirts).

CAN MY SCHOOL PLACE ANY LIMITS ON MY RIGHTS TO EXPRESS MYSELF?

Yes. Schools can regulate speech for two reasons: First, schools can impose reasonable rules to regulate the “time, place and manner” of expression. For example, a school can have a rule that you can’t circulate a petition during class time. (You can look up the rules in your student code of conduct or your district’s board policies for student expression.)

Second, schools can impose “content-neutral” rules limiting certain categories of speech when they have a good reason. For example, a school can prohibit students from wearing any shirts

with text on them, because the rule applies uniformly regardless of what someone’s shirt says.

However, a school can’t restrict the message of your speech unless your speech is lewd or offensive, causes substantial disruption, promotes drug use, or would make someone think that what you’re saying is endorsed by your school. So, if your school allows shirts with messages, it has to allow a t-shirt with any other message—like, for example, “Gay Pride.” A school disagreeing with your position or thinking your speech is controversial is not enough to make your speech disruptive or offensive.

CAN I ORGANIZE A PROTEST IN SCHOOL?

It depends on what activities you have planned and when the protest will take place. Remember, your school can adopt reasonable rules about the “time, place and manner” of expression, and your school can limit activity that will substantially disrupt the orderly operation of school.

But, you can organize a peaceful, orderly protest before or after school—and, you can tell people

about it, as long as you're not interrupting class to do so. If you're planning a protest, you should check your school district's written rules about speech. (You can look up the rules in your student code of conduct or your district's board policies for student expression.) And, remember, your town or city may have separate "time, place and manner" requirements, like permits, so be sure to check those rules if you're planning something off-campus.

CAN I BE PUNISHED FOR PARTICIPATING IN A WALKOUT?

Yes. The law requires you to attend school, and your school has policies about the consequences of missing school without permission.

You can be subject to those consequences, even if you're leaving to participate in a protest. (Under Texas law, if your school wants to suspend you, they have to identify the behavior as a "suspendable" offense in your student code of conduct, so you need to check your student code of conduct to find out what consequences you might be subject to.)

Even though you can be subject to those consequences, you can't be punished more harshly than you normally would be because you're participating in a walkout.

For example, your school can't suspend you for participating in a walkout if the student code of conduct says that the normal consequence for leaving school without permission is detention. And, you should be given the same right to make up work as any other student who has an unexcused absence for the class you missed. You and your parent/guardian have the right to make informal and formal complaints to your school district if you were punished unfairly. Check out your student code of conduct for information about the complaint and grievance process.

Our voices are among the most powerful tools we have, but exercising our free speech rights can also involve risks. You may be acting within your rights, but you may have to defend your actions in school or even may need to go to court. And, when your speech is exercised during an act of civil disobedience, your speech can carry consequences. It's important to make informed decisions about exercising your rights.



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If you believe your constitutional rights have been violated, you can file a complaint with the ACLU of Texas online at aclutx.org or with the Texas Civil Rights Project online at texascivilrightsproject.org

If you have questions about the school discipline process, contact Texas Appleseed at info@texasappleseed.net



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