

FIRST AMENDMENT RIGHTS

for STUDENT PROTESTERS

The First Amendment

Congress shall make no law... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

WHAT YOU NEED TO KNOW

The First Amendment doesn't end "at the schoolhouse gates."

But the law does allow public schools to set their own codes and policies.

Students have a constitutional right to participate in non-disruptive protests during the school day. This means that school officials cannot retaliate against or discipline student protesters unless the protests cause, or are reasonably expected to cause, the disruption of school events or make it impossible for school officials to maintain order. Missing class is usually punishable. But punishments cannot be harsher because you missed class to protest or because of your political beliefs.

PROTECTED

Unpopular statements

Or statements that school officials disagree with. You cannot be disciplined for the **content** of your protest alone.

Protests OUTSIDE school

You are free to organize and protest off campus. Don't block access to school. Learn the restrictions on where you can protest on your school's property.

Printed materials and clothing with messages

As long as it isn't vulgar, likely to disrupt school operations or incite violence (like gang symbols) and doesn't encourage illegal drug use.

Protests during non-instructional time

Take advantage of breaks and non-class time. Don't disrupt teaching.

TIP: Make your goals clear + know your school's policies

Communicate with school officials, clarify your intent to remain peaceful and facilitate a dialogue with those who disagree with you.

RISKY*

*What this really means:

Your school is allowed to punish you for it.

Advocating violence. Just don't.

You can't "encourage unlawful activity," including illegal drug use.

"Vulgar, offensive or rude" language

What "offensive" means is subjective, but keep in mind that profanity and vulgar imagery have been legally accepted as reasons to shut down student speech.

Disruption to school activities

This is the big one. It's also subjective and there is no real legal consensus. Know this: Officials *can* discipline students for substantial disruptions of school activities.

A disruptive walkout can be punished.

CIVIL DISOBEDIENCE

The US has a long and honored tradition of people who knew that their civil disobedience had a price and were willing to pay it to advance their cause. For some, this is the cost of social change. Either way, it's important to know your rights.

Note: Private schools are allowed to establish their own speech and demonstration codes. This guide is not intended as individualized legal advice and it may not stay completely accurate forever. The law is sometimes interpreted differently in different regions of the country.

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