

How the First Amendment Protects Student Speech

If you're a public school student, you don't lose your constitutional rights at the schoolhouse doors. But whether schools can punish you for speaking out depends on when, where, and how you decide to express yourself.

Q: Am I allowed to express my political views while I am at school?

Yes. The First Amendment of the U.S. Constitution guarantees freedom of speech and freedom of the press to all people, including students. This includes but is not limited to wearing buttons, badges, armbands, t-shirts, and other insignia, distributing petitions, and handing out pamphlets.

Q: Can my school place any limits on my ability to express my political views?

Yes. Even though you have broad rights to express your views in a variety of ways, your school can adopt reasonable rules that regulate the "time, place, and manner" of exercising these free speech rights.

The school is not allowed to prohibit or censor speech or press activities based on its content (what you are saying), unless it is disruptive or lewd. 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.

Q: What should I do if the school administration threatens to punish any students who participate in an upcoming walkout?

Because the law requires you to attend school, the administration can take corrective action against you for missing school, even if you miss school to participate in a political protest. However, the school cannot punish you for missing school to participate in political protest more harshly than it punishes students for missing school for any other purpose.

For example, you might have to serve detention for missing school to attend a protest if detention is the typical punishment for unexcused absences. You also should be given the same right to make up work as any other student who has an unexcused absence for the particular classes you miss.

Q: What about protesting outside of school?

Outside of school, you enjoy the same rights to protest and speak out as anyone else. This means you're likely to be most protected if you organize, protest, and advocate for your views off campus and outside of school hours.