

notable cases in students' rights

New Jersey v. TLO

1984 The Supreme Court acknowledged Fourth Amendment's restrictions on unreasonable searches and seizure covered public school teachers. It relaxed the usual Fourth Amendment requirements of probable cause and a warrant. The unique circumstances of educating students allow for a search based on reasonable suspicion only, a much lower standard.

Bethel School v. Fraser

1986 The U.S. Supreme Court upheld the suspension of a student for vulgarity during a school assembly, saying one of the functions of a public school is to prohibit the use of vulgar and offensive terms during classroom discussions or during school assemblies. Under some circumstances, student speech can be restricted without violating the First Amendment.

Hazelwood SD v. Kuhlmeier

1988 The court ruled that school officials must have authority to refuse to sponsor student speech that might "reasonably" be perceived to advocate the use of drugs, alcohol, irresponsible sex, or conduct otherwise inconsistent with shared "values of civilized authority." The court also ruled that schools may exercise editorial control over the style and content of student speech in school-sponsored activities. The court cautioned that the ruling only applies with materials that have a "valid educational purpose."

Morse v. Frederick

2007 The U.S. Supreme Court upheld the suspension of a student with a sign saying "Bong Hits 4 Jesus" noting that school officials may restrict a student's speech at school-sponsored events when the speech can be reasonably viewed as promoting the use of illegal drugs, even when those expressions take place at a school-sponsored event off campus.

Safford Unified SD v. Redding

2009 The court applied its reasonable suspicion test to a search of a student which involved looking inside her bra and underwear. The court held this sort of search was only reasonable if there was specific evidence pointing to hidden contraband in these places.

JDB v. North Carolina

2011 Citing the fifth amendment, the court required notification of an individual's Miranda warnings prior to questioning when in custody. The court suggested that what counts as custody for minors, including school students, is assessed from the student's perspective; whether a reasonable student of the same age and characteristics of the student would feel free to leave, not what a police officer or principal might think.

know your rights as students



You have the right to an education

You have the right to know what's in your school's code of conduct

You have a right to due process

If you're facing an out-of-school suspension, you have the right to know what you are being accused of doing.

You have a right to be heard

In most cases, you have the right to tell your understanding of events before receiving an out-of-school suspension.

You have the right to refuse to sign anything

If you're given a written statement to sign, you don't have to do it -- know that any written statement can be turned over to law enforcement.

You have a right to stay silent

When being questioned by school staff or law enforcement, you are not obligated to talk if you don't want to -- any verbal statement you make can be turned over to law enforcement.

You have the right to call your parent or guardian

If you're taken into custody, you can call your parent or guardian so they know where you are and what's happened -- you aren't alone.

You have a right to an attorney

If you're taken into custody and can't leave, you have a right to legal representation before being questioned.

You have a right to refuse searches

If school staff or law enforcement asks if they can search your person or your property, you can say no -- "I do not consent to any search" is a legally binding refusal.

You have the right to appeal

If you're facing an out-of-school suspension that lasts for 10 or more days, you have the right to appeal the decision.

Even as students, you still have a voice in how you are treated by the school and law enforcement.