

## WHAT SHOULD I DO IF I'M ARRESTED ON SCHOOL GROUNDS?

- Never resist, fight, or flee an officer who is arresting you
- Say you wish to remain silent
- Ask for a lawyer immediately
- Don't say anything, sign anything, or make any decisions without a lawyer present.

## WHAT ABOUT PROTESTING AWAY FROM SCHOOL?

Outside of school, you enjoy essentially 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.

## WHAT ARE MY RIGHTS ON SOCIAL MEDIA?

- You have the right to speak your mind on social media
- Your school cannot punish you for content you post off campus and outside of school hours that does not relate to school
- Some schools have attempted to extend their power to punish students even for off-campus, online posts. While courts have differed on the constitutionality of those punishments, the ACLU has challenged such overreach.

## CONTACT US

[outreach@aclu-mo.org](mailto:outreach@aclu-mo.org)

## FILE A COMPLAINT

 [aclu-mo.org/legal-help](https://aclu-mo.org/legal-help)

## STAY INFORMED

 @aclumo  @aclumo.bsky.social

 @aclumo  @aclu\_mo

 [aclu-mo.org](https://aclu-mo.org)

# P.A.U.S.E.

Project Against Unjust  
Suspensions and Expulsions

## KNOW YOUR RIGHTS: STUDENTS' RIGHTS



**ACLU** Missouri

**ACLU** Missouri

## DO I HAVE FIRST AMENDMENT RIGHTS IN SCHOOL?

You have the right to speak out, hand out flyers and petitions, and wear expressive clothing in schools — as long as you don't disrupt the functioning of the school or violate the school's content-neutral policies. 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. Courts have upheld student's rights to wear things such as:

- anti-war armband, shirts that are critical of political figures
- a shirt supporting the LGBTQ+ community

**"Content-neutral policies" mean rules like dress codes that have nothing to do with the message expressed.** For example, a school can prohibit you from wearing hats — because that rule is not based on what the hats say — but it can't prohibit only pink pussycat hats or pro-NRA hats.

## CAN MY SCHOOL TELL ME WHAT I CAN AND CANNOT WEAR BASED ON MY GENDER?

**No. Public schools can have dress codes, but under federal law, dress codes can't treat students differently based on their gender, force students to conform to sex stereotypes, or censor particular viewpoints.**

That means that schools can't create a dress code based on the stereotype that only girls can wear some types of clothes and only boys can wear other types of clothes. **Dress codes should not only be gender neutral on paper — but they must also be enforced equally.** Nor should they be enforced more harshly against certain groups of girls, like transgender girls or girls of color.

Schools shouldn't require different types of clothing for special events, such as prom or graduation, based on student's sex or gender identity — for example, requiring tuxedos for boys and prom dresses for girls. **All students should be allowed to wear clothing consistent with their gender identity and expression regardless of whether they identify as transgender or cisgender.**

## CAN MY SCHOOL DISCIPLINE ME FOR PARTICIPATING IN A WALKOUT?

**Yes.** Because the law in most places requires students to go to school, schools can discipline you for missing class. But they can't discipline you more harshly because of the message or the political nature of your beliefs.

The punishment you could face will vary by state, school district, and school. Find out more by reading the policies of your school and school district. In some states and districts, suspension is not an available punishment for unexcused absences.

**If you are facing a suspension of 10 days or more:**

- **You have a right to a formal process**
- **You can be represented by a lawyer**

If you are stopped by a police officer at your school, stay calm. Don't argue, resist, run away, or otherwise interfere with the officer. Ask if you're free to leave. If yes, calmly and silently walk away from the officer.

**If the officer asks you a question:**

- **You have the right to remain silent**
- **You also have the right to refuse to write or sign a statement**
- **If you waive these rights, anything you say, write, or sign can be used against you.**
- **If you choose to make a statement, ask to have a lawyer, parent, or guardian present before you are questioned**

## WHAT SHOULD I DO IF A POLICE OFFICER WANTS TO SEARCH ME?

You can refuse to give your consent to be searched by the police. This may not stop the search, but this is the best way to protect your rights if you end up in court. Never consent to a phone search. Police need a warrant to search your phone. The same goes for strip-search. No police officer or school employee has the authority to strip-search you.