STUDENT RIGHTS

WHAT RIGHTS DOES A STUDENT HAVE WHILE IN SCHOOL?

While on school grounds, a student has rights under the United States Constitution and rights granted explicitly to students.

Rights Under the United States Constitution

4th Amendment Rights: Freedom from unreasonable searches and seizures (without “probable cause”).
5th Amendment Rights: Right to trial for punishment and deprivation of liberty or property; freedom from self-incrimination.
6th Amendment Rights: Right to a speedy trial and confrontation of witnesses.
8th Amendment Rights: Protection against “cruel and unusual punishment”.
9th Amendment Rights: Rights granted elsewhere, but not in the constitution, still apply.

Rights Granted Explicitly to Students

Disciplinary and Criminal Proceedings

☐ Before a school can suspend a student for 10 days or less, it must notify the student of the potential suspension, and give that student a chance to defend himself or herself.
☐ Before a school can expel a student, it must provide the student a hearing, and give that student the right to appeal the expulsion.
☐ During any juvenile or criminal proceeding that could result in incarceration, students have a right to due process (e.g., the right to a fair trial and to question witnesses and evidence).
☐ During a juvenile trial, the prosecution must prove a student’s guilt “beyond a reasonable doubt.”

Extra-Curricular Activities

☐ Schools must allow students to form extra-curricular clubs at school if other extra-curricular clubs exist on campus. A school cannot deny a club because of political, philosophical, or religious content.

Military Recruiters

☐ Schools must notify students and parents of their option to keep a student’s information confidential from military recruiters.

Press

☐ School principals have oversight and authority over any school-sponsored publication created by a student or group of students (e.g., a school newspaper).

Religion

☐ Schools cannot pressure or coerce students to participate in a prayer in the school environment.
☐ Schools cannot pressure or coerce students to participate in a prayer as part of a public school graduation.
☐ For religious reasons, schools cannot force students to recite the “Pledge of Allegiance.”
Search and Seizure

- Schools are permitted to randomly drug test students involved in extra-curricular activities.
- An administrative official may only conduct a search of a student on a reasonable and justified basis (based on reasonable suspicion), and in an appropriate manner given the age and gender of the student.

Speech

- Schools must honor students’ right to free speech, unless it disturbs the functioning of the school.
- Schools may restrict students’ speech if it would be considered obscene, lewd, vulgar, or offensive to a mature audience.

Additional Information

It may be possible that certain school districts have expanded on these rights. For confirmation, please reference your district’s “student code of conduct” or ask a school administrator. If you have any additional information or questions, please contact us using the information below.