

Name(s): _____



Student Expression Rights

What are they, exactly?

PART ONE Directions: Answer the following questions to the best of your ability. Refer to the article(s) supplied by your teacher or any other documents/research you can access. When in doubt, give the best answer you can.

1. From what does our freedom of speech come from in this country?
THE FIRST AMENDMENT OF THE CONSTITUTION
1. What are some restrictions the government can put on our freedom of speech?
THE GOVERNMENT CAN PROTECT FOR DIRECT CITIZEN SAFETY (SUCH AS SHOUTING "FIRE" IN A CROWDED THEATER OR CALLING FOR DIRECT, VIOLENT ACTION AGAINST OTHERS). THERE ARE ALSO RESTRICTIONS FOR HATE SPEECH/HARASSMENT OR FOR LIBEL/SLANDER (SPREADING HARMFUL LIES).
1. As a student, does the freedom of speech apply to you at school?
YES, THE TINKER SUPREME COURT CASE ESTABLISHED THAT IT DOES, EVEN THOUGH THE SCHOOL CERTAINLY HAS THE RIGHT TO RESTRICT FURTHER THAN WOULD BE ALLOWED FOR ADULTS OUTSIDE OF SCHOOL (MORE DETAILS IN THE ANSWER TO #5).
2. Can a school punish students for taking part in a walkout protest during the school day?
THE SHORT ANSWER IS YES. SKIPPING SCHOOL IS CLEARLY NOT ALLOWED, AND SCHOOL DISTRICTS ALREADY HAVE PUNISHMENTS IN PLACE FOR SUCH ACTION. WHAT SCHOOLS LARGELY CANNOT DO IS MAKE THE PUNISHMENT WORSE FOR SKIPPING CLASS FOR PROTEST THAN JUST SKIPPING CLASS FOR ANY OTHER REASON. SCHOOLS CANNOT PUNISH STUDENTS EXTRA BECAUSE OF THEIR SPECIFIC VIEWS/OPINIONS.
3. What reasons can a school have for restricting or punishing student speech?
SCHOOLS CAN RESTRICT SPEECH THAT WOULD DISRUPT THE SCHOOL'S LEARNING ENVIRONMENT OR INTRUDE ON THE RIGHTS OF OTHERS (TINKER) OR SPEECH THAT IS OBSCENE/LEWD (BETHEL) OR THAT PROMOTES ILLEGAL DRUG USE (MORSE). DEPENDING ON YOUR STATE AND SCHOOL DISTRICT POLICY, THE SCHOOL MAY ALSO BE ABLE TO REVIEW AND RESTRICT EXPRESSION IN STUDENT PUBLICATIONS FOR PEDAGOGICAL/TEACHING PURPOSES (HAZELWOOD).
4. What rules does YOUR school have about what students can say or do?
THIS MAY DEPEND ON YOUR SPECIFIC SCHOOL. YOU MAY WANT TO HAVE STUDENTS LOOK UP THE RELEVANT PASSAGES IN THE STUDENT HANDBOOK OR OTHER RESOURCES
5. How about what students can wear?
THIS ALSO DEPENDS ON YOUR SPECIFIC SCHOOL.
6. When it comes to student publications, does your state have a "New Voices" law giving student editors the responsibility for making final decisions about what is published?
THIS WILL ALSO DEPEND ON YOUR SCHOOL. WASHINGTON, RHODE ISLAND, NEVADA, VERMONT, ILLINOIS, MARYLAND, AND NORTH DAKOTA RECENTLY PASSED SUCH LAWS. OREGON, ARKANSAS, KANSAS, COLORADO, IOWA, MASSACHUSETTS, AND CALIFORNIA HAVE HAD SIMILAR LAWS FOR YEARS, AND A FEW OTHER STATES HAVE SOME LEVEL OF PROTECTIONS FOR STUDENT JOURNALISTS.

PART TWO Directions: Read each of the following scenarios and respond to the accompanying questions. Make sure to tailor your responses to what would or should happen at your OWN school based on what you know.

- 1) **A large number of students organize a walkout during the school day at your own school to protest gun violence. School administrators announce that any students taking part in the protest will be immediately suspended for five days.**

Can they do this? Why or why not?

THIS MAY DEPEND ON YOUR SCHOOL, BUT IT IS LIKELY THAT CURRENT RULES DO NOT ASSIGN A FIVE-DAY SUSPENSION FOR TRUANCY FOR ANY OTHER REASON. LIKELY IT COULD BE ARGUED THAT SUCH A PUNISHMENT IS GOING EXTRA FAR IN ORDER TO PUNISH THE VERY IDEA OF PROTEST OR THE VIEWS OF BEING AGAINST GUN VIOLENCE, WHICH WOULD LARGELY NOT BE ALLOWED FOR A PUBLIC SCHOOL.

- 2) **Your school newspaper or newsmagazine writes an editorial arguing in favor of the legalization of marijuana across the country. Hearing about the story, school administrators demand to read it first and then tell students that it cannot be published.**

Can they do this? Why or why not?

AS ALWAYS, IT CAN DEPEND ON THE SPECIFICS OF THE STORY AND THE SCHOOL, BUT LARGELY PUBLIC SCHOOLS CANNOT JUST DECIDE THAT SOME POINTS OF VIEW ARE NOT OK, UNLESS THE ARTICLE IS PROMOTING ILLEGAL DRUG USE OR IN SOME WAY OBSCENE (WHICH COULD BE POSSIBLE, BUT IS GENERALLY NOT GOING TO BE THE CASE IF THE STUDENTS ARE FOCUSING ON THE POLITICAL ANGLE OF MAKING THE CASE FOR A CHANGE IN THE LAW). IF YOUR STATE HAS NEW VOICES PROTECTIONS OR POLICIES GIVING STUDENTS THE RIGHT TO MAKE PUBLICATION DECISIONS, THEN THIS DEFINITELY WOULD NOT BE SUPPORTED.

- 3) **A group of students want to protest what they say is too much bullying of LGBTQ students as well as the need for the school to designate at least some gender-neutral bathrooms in the building by coming to school with their hair dyed in bright, rainbow colors every day until action is taken.**

Can they do this? Why or why not?

UNLESS THIS IS DONE IN SUCH A WAY THAT IT BECOMES PROVABLY DISTRACTING TO LEARNING OR THERE IS ALREADY SOME DRESS CODE LANGUAGE THAT LEGALLY FORBIDS SUCH HAIR FOR ANY PURPOSE, THIS WOULD OFTEN BE LEGAL.

- 4) **Some students decide to bring attention to what they say are racist words or actions from government officials by refusing to stand for the pledge at the start of the school day or the national anthem at the start of any sporting events.**

Can they do this? Why or why not?

AGAIN, THIS WOULD LARGELY BE LEGAL, UNLESS THE STUDENTS ARE TAKING IT SO FAR THAT THEY KEEP LEARNING/TEACHING FROM HAPPENING.

PART THREE Directions: Of course, what we decide to say or do comes down to more than just what the law allows. We must also hold ourselves to high ETHICAL standards when deciding how we should express ourselves.

Explain what you should take into consideration when deciding whether do make speech public that you know is legally allowed but may be risky or controversial?

THIS CAN GO ANY NUMBER OF WAYS, BUT THE MOST COMMON CONSIDERATIONS WOULD BE WHETHER IT COULD CAUSE HARM TO OTHERS (YOU GENERALLY WANT TO MINIMIZE THIS) AND WHETHER IT WOULD INVADE SOMEONE ELSE'S PRIVACY.