Student Rights

1. You have the right to freedom of expression if it is not slander or libel, and it is not offensive or inappropriate. "[If] conduct by the student, in class or out of it, which for any reason — whether it stems from time, place, or type of behavior — materially disrupts classwork or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the constitutional guarantee of freedom of speech." The school is responsible for teaching students appropriate society behavior which includes censoring speech, and courts have upheld teacher/administrative decisions to limit student speech when it was disruptive or inappropriate. “The determination of what manner of speech in the classroom or in school assembly is inappropriate properly rests with the school.” Tinker v. Des Moines
2. You have the right to refuse to recite the pledge of allegiance. Board v. Barnette
3. Dress Codes have been upheld by the courts limiting student rights of expression under the ruling that schools may decide upon appropriate behaviors for promoting the educational process.
4. You do not have the right to make comments **off-campus** in the presence of school officials and administrators that pose a threat to school officials trying to promote appropriate behavior. Morse v. Frederick
5. Lockers are school property and may be searched at will. Student personal property (purse/backpack) may be searched by school officials if they have reason to suspect an inappropriate incident and the incident is in relation to the search. Students have limited fourth amendment rights. “Students in public school are not able to assert the same rights as adults in other settings.” New Jersey v TLO
6. You have limited Fifth Amendment Rights at school. You do not have the right to refuse a drug test if it is given for school purposes. Vernonia School v Acton
7. Teachers have the right to academic freedom as long as they follow the board approved course of study. Public school teachers have the discretion to choose the method of instruction for course curriculum. Teachers do not have the right to teach religious beliefs but do have the right to about religious beliefs. For example, teachers are permitted to use the Bible or other religious texts in their literature, history, or other courses so long as it is reasonably related to the subject matter in the curriculum.
8. The state of Alabama allows corporal punishment with due process. (the student is told why they are being punished with corporal punishment.)
9. Courts do not recognize any protected right to enroll in a specific class. This means that if, as part of maintaining discipline, your child has been permanently removed from one class, there is no official requirement for notice or a hearing.
10. Courts have yet to recognize any constitutional right that would allow a student to avoid being disciplined by his/her school or demand a lesser form of discipline. The only limitation on the type of discipline that a school can impose is the requirement that the discipline be “appropriate.” Schools have the authority to punish students in order to provide for the safety and welfare of students, and courts have determined that schools need broad flexibility in disciplining pupils. Thus, courts will only interfere with punishment when the punishment is criminal in nature.