

KNOW YOUR HISTORY

The Supreme Court ruled in 1969 that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” This rings true for other fundamental rights as well.

THE FIRST AMENDMENT APPLIES TO PUBLIC SCHOOLS

Tinker v. Des Moines is a historic Supreme Court ruling from 1969 that cemented students’ rights to free speech in public schools.

Mary Beth Tinker was a 13-year-old junior high school student in December 1965 when she and a group of students decided to wear black armbands to school to protest the war in Vietnam. The school board got wind of the protest and passed a preemptive ban.

Represented by the ACLU, the students and their families embarked on a four-year court battle that culminated in the landmark Supreme Court decision. Dan Johnston, a young lawyer also from Des Moines and just out of law school, argued the case.

On Feb. 24, 1969, the court ruled 7-2 that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

SAVE THIS INFORMATION TO YOUR PHONE

Wyoming GSA Network

- wygsanetwork.org
- ammom@wyomingequality.org

Wyoming Equality

- wyomingequality.org
- sarab@wyomingequality.org

ACLU of Wyoming

- aclu-wy.org
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Get more information on our website by scanning the QR code below or by visiting aclu-wy.org/kyr



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KNOW YOUR RIGHTS: FREE SPEECH AND DRESS CODES



The First Amendment guarantees the right of free speech and expression to all, including young people. It also prohibits the government (including government-supported public schools) from promoting any particular religion or religious belief—what is known as separation of church and state.

Things to consider when exercising your First Amendment rights at school.

You are allowed to express your political views while at school.

- The First Amendment of the U.S. Constitution guarantees freedom of speech and freedom of press to all people, including students.
- This applies to:
 - buttons
 - badges
 - armbands
 - shirts with political messaging

You have the right to:

- Speak up and share your views
- Post public notices on bulletin boards or distribute petitions
- Publish articles in school newspapers

Your school can place certain limits on when and how students may express views

- You have the right to express your views in a variety of ways, however your school may adopt rules to disruptions of regular functions.
- Schools may also place reasonable restrictions on the time, place, and manner of student protests or other conduct. (e.g. your school could adopt a rule that prohibits distributing leaflets during class time)

It is not impossible to protest at school

- You should be able to exercise your rights freely.
- Most school districts do not allow actions that disrupt instructional time, typically between the hours of 8 a.m. - 3:30 p.m.

Your school cannot generally censor speech

- This doesn't mean you can say whatever you want at any given time.

- There are however, exceptions to this rule and your school can stop you if:
 - The speech is libelous or slanderous.
 - The speech is knowingly false or harm's someone's reputation.

School officials cannot prevent you from expressing differing opinions

- Your school can't censor topics such as abortion, LGBTQ+ rights, or immigration simply because they think the topic is controversial.
- Criticism of your school, teachers, or school officials is generally protected.

Considerations for organizing a demonstration

- You should be able to organize a peaceful, orderly protest at lunch, before or after school, or during a time that won't cause undue disruption.
- Find and confirm your school restrictions related to demonstrations like protests and rallies.
- Skipping class? Because the law requires you to attend school, the school may be able to discipline you for skipping class to protest. Although the school cannot generally suspend you for an unexcused absence because the law request districts to try other interventions first.

You don't have to say the Pledge of Allegiance or sing the National Anthem

- You cannot be forced to make a pledge of loyalty to the government.

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Document any opposition from your school

- If your school officials overreact to you lawfully exercising your rights, you may have to defend yourself in a meeting with officials or go to court to protect your rights.
- Contact the ACLU at acluwy@aclu.org.

Dress code considerations

Federal law states that dress codes can't treat anyone differently or force students to conform

- Your school can't create a dress code based on gender stereotypes.
- Rules against "revealing" clothing such as bans on tank tops or leggings shouldn't be enforced disproportionately against a certain group.
- If your school tried to say the way you're dressing is disruptive, you may have a recourse to fight back. Courts have consistently ruled that a school's concern about other people's reactions doesn't justify censorship.

Prom, homecoming, and other schools events

- Schools can't require students to wear particular clothing because of gender identity.
- **For example:**
 - Schools cannot require boys to only wear tuxedos or require that girls only wear dresses to prom.
 - All students should be allowed to wear clothing consistent with their gender identity and expression.

School groups and clubs

- Gender Sexuality Alliances or Gay-Straight Alliances (GSAs) are great ways to promote awareness of LGBTQ+ and Two Spirit issues.
- If your school tries to treat a GSA club differently than other school groups, the law is in your side. Under the Equal Access Act, if a public school allows other non-curricular clubs to meet, it must also allow groups like GSAs to convene.