

# Student's Rights In Ohio: A Handbook



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This handbook does not constitute legal advice and is intended to provide general background information. For criminal, and some other, matters, an attorney should be consulted for specific and up-to-date legal advice.

## I. Why You Should Know Your Rights

Knowing your rights is essential to protecting them. Fully participating in our democracy requires understanding your rights and the role the government is allowed to take in your life. Most of these rights are rooted in the U.S. Constitution's Bill of Rights. The Bill of Rights is the first ten amendments to the U.S. Constitution, and it protects the rights and liberties of everyone in the United States, and places strong limitations on how much the government can interfere with one's freedom. These are supplemented by state and other federal laws.



So where do your rights end and other interests take over? "It depends." Why so complicated? There are competing pressures and competing beliefs. Policymakers throughout government, from classroom teachers to school board members to legislators, weigh your rights against others' rights to learn and be safe. People, like you, stand up for those rights, pushing for policy reforms or challenging policies through the courts. Over time, a patchwork of laws and decisions develops to loosely define the rights of students in public schools. So, it depends.

**Note that much of the information in this workbook applies only to public, not private, schools. Private schools do not have to comply with the Constitution. Private schools that receive federal funding may have to comply with some federal laws.**

## II. Equal Treatment

You have a right to equal treatment at school. This means that you have a right to be yourself at school. The U.S. Constitution gives us this right in the Fourteenth Amendment. Your school, teachers, coaches, or other school staff cannot discriminate against you because of who you are. They can't single you out because of your race, gender, disability, nationality, pregnancy, or LGBTQ+ status.

**You have a right to equal treatment at school.**

Additionally, Title IX (a federal law) protects people from discrimination based on sex in education programs or activities that receive federal funds, and the U.S. Department of Education has interpreted Title IX to also prohibit discrimination based on gender. Please visit the Department's website for more information.



## a. Rights for Students with Disabilities

### The basics:

1. A disability is a physical or mental impairment that substantially limits one or more major life activities;
2. If you have a disability, your school must support you by making an IEP or 504 Plan;
3. If you think you might have a disability, you have the right to ask your school for an assessment;
4. You have a right to equal opportunity to join extracurricular activities;
5. You have a right to a hearing if you are facing suspension or expulsion.

There are three main federal laws that protect students with disabilities in different ways: the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and the Americans with Disabilities Act (ADA).

Under the IDEA, students with certain disabilities have a right to a “free and appropriate education” in the “least restrictive environment.” This means your school must identify students with disabilities and provide an education that is designed to meet their individual needs. Disabilities under the IDEA can be specific, such as autism or deafness, or general, like “other health impairment,” which might include things like ADHD (attention deficit-hyperactivity disorder) or a heart condition. If your disability adversely affects your ability to learn in school, you could be entitled to an individualized education plan (IEP), which would help you receive specialized instruction and related services. In general, a school should make every effort to keep students with disabilities in the general classroom with their nondisabled peers. For example, an IEP could allow your teacher to give you written instructions for an assignment, or even allow you to take a test in a room by yourself. An IEP can also have what are called “related services,” which can include speech therapy, counseling, tutoring, occupational therapy, behavior therapy, and many others.

Under Section 504, if you have a physical or mental impairment that substantially limits one or more major life activities, you may be entitled to a 504 plan. Lots of things that you do are major life activities, such as walking, seeing, hearing, speaking, breathing, and learning. Some examples of these impairments are depression, anxiety, asthma, or a heart condition. A 504 plan usually focuses on access to the learning environment. For example, it could give you more time to get to classes or let you use the school’s elevator that other students aren’t allowed to use.



If you do not have an IEP or a 504 plan but think you need special education services or accommodations from your school because of a disability, your parent, guardian, counselor or teacher can ask that you be given an evaluation or assessment. A request for an assessment should be made in writing and include information about your disability, or why this person thinks you may have a disability. If you disagree with an assessment or diagnosis that the district completed under the IDEA, you can request an independent educational evaluation (IEE).

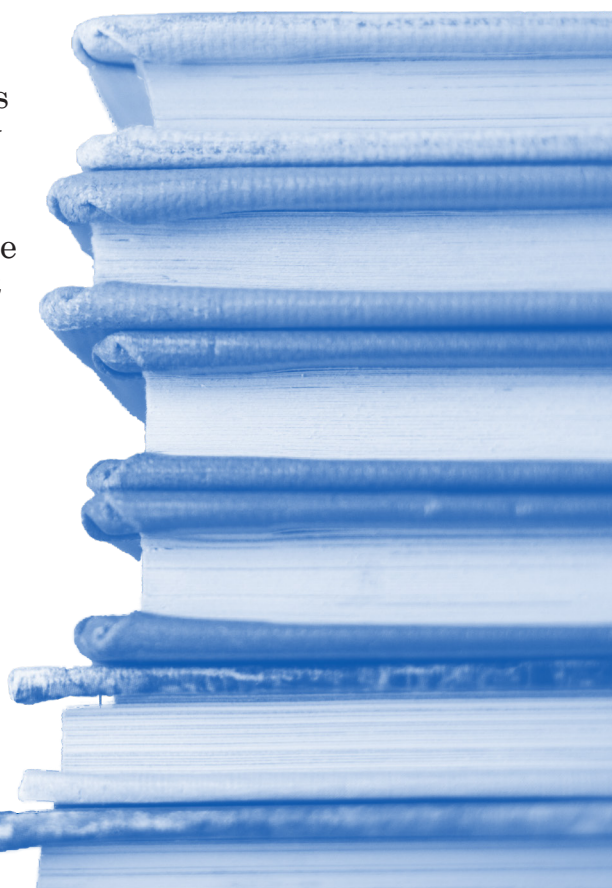
Under the ADA, a school is prohibited from discriminating against a student with a disability solely on the basis of that disability. Some ways that schools could discriminate include:

- Not allowing you to go to a school because of your disability;
- Not giving you the same chance as students without disabilities to be in school programs during the day (including field trips) or after school (including extracurriculars, sports, and tutoring);
- Not giving you the accommodations you need;
- Harassing or bullying you because of your disability (or not stopping other students from harassing or bullying you);
- Making you follow different rules than students without disabilities;
- Using too much physical force because of your disability.

Although a school can punish you for the same reasons that students without disabilities can be punished, your school cannot punish you more than students without disabilities for doing the same things. If you are a student with a disability and protected under IDEA and violate a school rule, you are entitled to a disciplinary hearing in the same way that a nondisabled student is entitled to one. See Section V. Discipline by Your School.

If, after the disciplinary hearing, the school expels or suspends you for more than 10 consecutive days, you may be entitled to a manifestation determination. This is a meeting where the school decides if your disability caused you to break the rules, and whether the school was following your IEP when you got in trouble. Generally, if your violation of a school rule was because of your disability and the school's failure to implement your IEP, the school must take steps to fix this. Please see the [Ohio Department of Education's website](#) on this subject for more information.

For more information, visit the websites of Disability Rights Ohio or the Ohio Department of Education regarding special education.



## b. Rights of Immigrant Students

### The basics:

1. You have a right to be in public school;
2. The school cannot expel or discipline you because of your immigration status;
3. Your immigration status is confidential: you don't have to disclose it at school.
4. You do not have to speak with Immigration and Customs Enforcement agents (ICE agents)

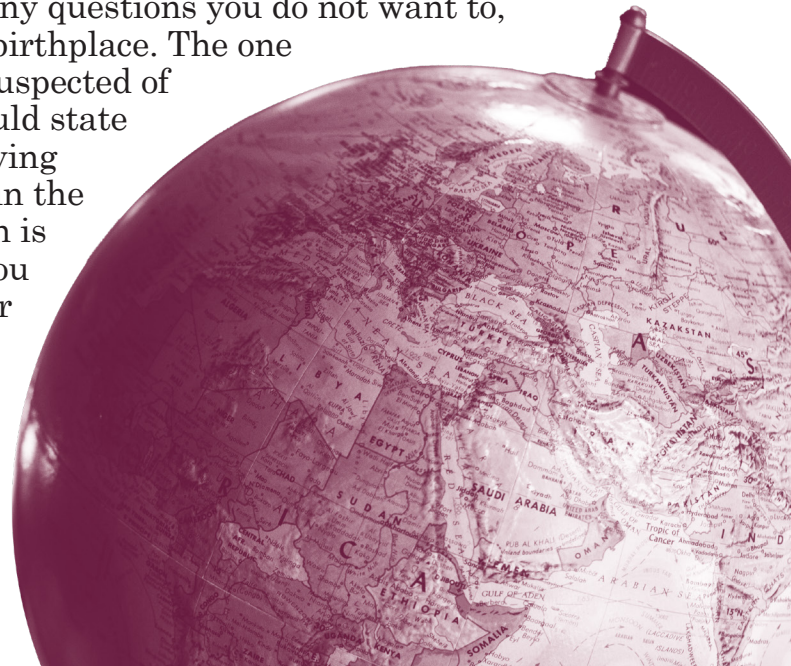
All kids have the right to enroll in their local public school, regardless of immigration status. Once enrolled, they have the same rights as other students. Additionally, the U.S. Supreme Court has ruled that a school cannot expel a student just because the student is undocumented.

Under federal law, personally identifying information from a student's education records may not be shared without your or your parent's consent or a court order. Additionally, school districts may not request information about a student's citizenship or immigration status with the purpose or result of denying them access to educational opportunities.

Moreover, if your parents don't speak English, your school must provide important information in an accessible format. For special education, all papers that the school sends home to your parents must be in the language your parents feel most comfortable using. And the school must provide an interpreter for all IEP meetings.

If ICE agents come to your school, remain calm. Do not run away or try to resist. Alert your school officials. The school should verify that the agents have a valid judicial warrant, which is a warrant signed by a judge, before allowing them access to students. Your school can also ensure that the proper protocols for all visitors on campus are followed.

You do not have to talk to ICE agents. Calmly say that you have the right to remain silent. You do not have to answer any questions you do not want to, including about your citizenship status or birthplace. The one exception is if you have committed or are suspected of committing a crime, in which case you should state your name, date of birth, and other identifying information if asked (see p. 23). But being in the United States without proper authorization is not a crime; rather, it is a civil violation. You do have the right to speak with a lawyer for an immigration matter, but one will not be provided to you.





## c. Rights of LGBTQ+ Students

### The basics:

1. You have a right to express your sexuality and gender at school;
2. If your school allows non-academic student organizations, it must allow you to form a GSA;
3. Schools cannot enforce sex-based dress codes.

Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) students have a right to be who they are and express themselves at school. If your school allows any nonacademic student organization, it must allow you to form a Gay-Straight Alliance. Schools are not allowed to prohibit student organizations based on viewpoint alone. Additionally, all schools have the responsibility to protect students from bullying and harassment, which would include that based on LGBTQ+ status. Bullying and harassment can include teasing, social exclusion, threat, intimidation, stalking, physical violence, theft, sexual, religious, or racial harassment, public or private humiliation, and/or destruction of property.

Your school cannot punish students for dressing in ways that do not conform to gender stereotypes. A school can require students to wear uniforms and can otherwise restrict what students may wear, but it cannot enforce dress codes based on sex. This prohibition protects LGBTQ students as well.

You could still be punished for holding hands with a partner, including a same-sex partner, but only if the school has a policy in the student code of conduct against public displays of affection. Check your student handbook. If it does, you can be punished only for the same behavior different-sex couples would be punished for.





## d. Rights on Pregnancy and Sexual Health

### The basics:

1. **Your school must provide comprehensive health education, but it can choose whether your sex ed is comprehensive or abstinence only;**
2. **Pregnant students cannot be excluded from school activities;**
3. **Pregnant students are eligible for the same accommodations granted for temporary medical conditions.**

All schools must teach comprehensive health education, including the benefits of abstinence and consequences of teenage pregnancy, but the local school district decides whether to offer comprehensive sex education, only abstinence, or something in between. You don't need your parents' permission to participate, but your parents can request, in writing, to remove you from sex education.

Under federal law, schools are prohibited from excluding pregnant or parenting students from schools, classes or extracurricular activities. They must give pregnant students the same accommodations that students with other temporary medical conditions are able to receive. This can include extra time to make up missed classwork, attend doctor's appointments, and recover from childbirth. For more information, please visit the Department of Education's Office for Civil Rights.

As for sexual health generally, your privacy rights differ based on the care sought. You can be tested and treated for sexually transmitted infections, including HIV, without parental permission. You can also get some forms of birth control without parental permission. No one needs permission to buy or use birth control or sexually-transmitted infection (STI) prevention methods that do not require a prescription, like condoms and the morning-after pill. If you would like to use prescription birth control, you'll need a parent's permission unless you are 18, married, have been pregnant before, or, in some cases, if you need the birth control for health reasons.

If you are pregnant and you'd like to have the child, you do not need your parents' permission to do so. You also have a right to custody of your child unless a court finds you unfit. If you want to get an abortion, you do usually need your parents' permission, but there are some exceptions. In Ohio, if you are under 18 and unmarried, unemployed, or not in the military, you need one parent to give written consent to your doctor to get an abortion. If you want an abortion and do not feel safe telling your parents or they won't support your choice, you do have options. You can seek what is called a "judicial bypass" and get your permission from a judge. That requires you to get a court order stating that you are sufficiently mature and old enough to make your own decisions or that an abortion is in your best interest. Under current Ohio law, abortions up to 22 weeks since the last menstrual period are legal. Abortions after that point are legal if the pregnancy poses a serious health risk. Note that the status of the law could change based on pending litigation.

## e. Religion

### The basics:

1. Students have the right to practice their religion at school if it does not disrupt other students;
2. Schools cannot force students to be religious;
3. School-sponsored events like graduations and football games cannot promote religion or force students to join in prayer; while private religious activity, such as prayer, must be permitted;
4. Religious theories cannot be taught as science;
5. Students can organize religious groups if schools allow other non-curricular groups to meet;
6. Schools may offer a religious “released time” class, but it may not be on school grounds, may not use school funds, and the school may not pressure students to attend.

Public school teachers cannot lead classes in mandatory prayer or Bible readings. Even non-denominational (not from any particular religion) prayer is unconstitutional. You can't be forced to choose between participating in a prayer or standing aside and possibly being embarrassed in front of your classmates. However, a moment of silence is generally acceptable.

You can study about religion at school, including, for example, religion's influence on history, literature, and culture. But your readings and class time can't be used to promote religion, teach that one religion is better than another one, or to insult any religion. So if your social studies teacher assigns class readings from the Bible, Torah, Qur'an or other texts, that's perfectly acceptable. However, the Ten Commandments can't be posted in public schools, because it promotes Christianity above all other religions. That's true whether they teach you directly or indirectly by hanging a religious object like the Ten Commandments or a picture of Jesus on the wall.

Courts have held that parents and school officials cannot prevent teachers from educating students on evolution, and that teachers are not required to inform students about creationism. Similarly, if a parent is uncomfortable that topics like abortion or blasphemous books are included in the curriculum, they can ask for their child to be excused and given an alternate assignment. While a student has the right to have his religious beliefs accommodated, that doesn't mean he has the right to change the school's curriculum for all the other students.



Similarly, schools cannot require students to attend a religious ceremony. It is also unconstitutional to include a prayer by clergy or anyone else at public school graduations. Graduations are school-sponsored events and public schools can't include prayers in their program. This is true even if students lead or vote to include a prayer. If you vote on whether to have a graduation prayer, students whose religious beliefs are in the minority will lose out. They might feel excluded from their own graduation ceremony or they might feel pressured to participate in the prayer.

Students may individually express their religion in schools. During free time at school you can pray privately, read the Bible or other holy books, wear clothing that expresses your religious beliefs or talk about religion with your friends. But you can't disrupt school activities. It is also ok to bring your religious book for show and tell. Religious books or objects are allowed in school, as long as it doesn't feel like the school or a teacher is endorsing one religion, which can make other students feel excluded.

Ohio school law requires school officials to excuse students for religious holidays when requested by a parent and prohibits school officials from penalizing students for those absences. So they shouldn't count against your attendance record. The only exception to this rule is that the holidays cannot be so frequent that they mean you aren't attending school full time. So, for instance, Muslim students cannot take off every Friday, even though that is their holy day.

Last, a school district may allow a "released time" program during the school day, which involves excusing a student to attend a program that teaches religion, if the program is conducted by a private entity and is off school property. Additionally, a parent or guardian must give written consent, no public funds may be used, and the school may not pressure students to attend. If you think your school or school district has improperly implemented one of these programs, please submit a [Religious Instruction in Public Schools Grievance Form](#).

**You have a right to be yourself at school.**



### III. Freedom of Expression

You have a right to be yourself and to express your beliefs and opinions.

You have a right to be yourself and to express your beliefs and opinions. This right comes from the First Amendment, which gives us our rights to speech, press, religion, assembly (protest), and petition. Your school has an interest in maintaining order and building a safe, appropriate learning environment free from disruption. These interests will sometimes compete with your rights. This section will help you predict when that might happen and be prepared to protect your rights if it does.

While you must follow your school's rules, there are limits on what your school can ban. School rules must have a logical relationship to the school's legitimate interests. They must also respect your fundamental rights, including your rights to free speech and due process.

#### a. First Amendment in School – Speech

The basics:

1. You have the right to express yourself at school, within limits;
2. School officials can limit your message if it includes threats, encouragements of unlawful activity, profanity or swear words, and lewd or vulgar expressions;
3. School officials can limit your speech to prevent major disruptions to class or school activities;
4. You cannot be required to say the pledge of allegiance.

Schools can stop you from expressing yourself (e.g. the clothes you wear, what you say, etc.) if it causes a “substantial and material disruption” to class time. This is a serious physical disturbance of the school day. It could be disruptive to the whole school, such as a walkout, or to your class, such as breaking out in song and dance during your math final. It could also be a physical disturbance, like a riot or destruction of school property. The point is: does your act cause a substantial disruption of the school environment?

Even though you have freedom of speech, that right isn't absolute, especially in school. While most of your speech is protected, **there are a few things that you can get in trouble for if you say them at school. The biggest ones are (1) threats, (2) encouraging unlawful activity, (3) profanity, and (4) vulgar expressions.**

For example, you can get in trouble making a sexual joke at school (e.g., putting an innuendo in your class president campaign speech) because that is considered lewd, profane, or offensive language that is not protected by the First Amendment at school. You can also be disciplined if you make a joke about violence or a school shooting (e.g. “I hate that teacher; I want to kill her”), because it can be construed as a credible threat. School officials take threats of violence very seriously, often even when it is clear it was a joke. Students have been punished for things they’ve written on paper, jokes they’ve posted on social media and comments made in private text messages. You can be suspended, expelled, involuntarily committed for psychiatric evaluation or even arrested in order to protect other students.

**Q: I want to protest in my school by wearing an armband or t-shirt. Is that allowed?**

**A: Yes, as long as your clothing does not substantially interrupt the school day, your protest is allowed. However, if your school has a general prohibition on t-shirts with messages, armbands, or the type of clothing you want to use to make your protest, then you are not allowed to do so.**

Additionally, the school cannot punish you for arguing for a controversial political position in a school paper or project. As long as your assignment meets all the requirements set by your teacher, you cannot be penalized for your position on a controversial topic. However, you do not have a right to speak out in an assignment about something that is not related to the assignment.

**Q: I don’t want to stand and say the pledge of allegiance at school. Do I have to do it?**

**A: No. The school can’t force you to say something you don’t want to say. You have a right not to say the pledge if you don’t want to. This right also extends to things like a prayer, singing your school song, or participating in the national anthem. You can be punished only if you make it hard for other students to say the pledge or sing the national anthem.**

## b. First Amendment in School – Clothing

### The basics:

1. You can be prevented from wearing clothing with messages that are lewd, indecent, promote drug or alcohol use, disrupt the educational process, or cause a health or safety risk;
2. If the message on your clothes is religious or political, it is less likely that the school can block you from wearing it;
3. Schools are allowed to require dress codes or uniforms;
4. Schools must return clothing taken from students.

Just like the school can limit some speech, they can also restrict your expression by limiting the clothing that you can wear to school. Generally, schools can require dress codes or uniforms, as long as they don't otherwise limit political or religious messaging on your clothes.

For example, your school generally can't stop you from wearing political or other messaging on your clothes, such as a Black Lives Matter t-shirt, unless they can show that it will lead to a substantial disruption in school. However, if your school has a policy that prohibits all hats regardless of what is written on them, you can't wear a Black Lives Matter hat.

**Tip:** If you are not allowed to wear a t-shirt or button to school because of its message, you should contact the ACLU

**Tip:** Check your school's student handbook for your clothing rules

While you do have a right to express yourself in your dress, schools generally have a right to limit your expression to promote safety. Accordingly, to maintain safety, schools can prevent students from wearing things like hoodies, trench coats, open-toed shoes, flip-flops, baggy pants, head coverings, or visible piercings. Similarly, schools can stop students from wearing clothing associated with gangs (i.e., red or blue bandanas) in order to prevent violence. But schools cannot prohibit students from wearing religious symbols that are also associated with gangs unless there is evidence that allowing students to wear a particular religious symbol would seriously disrupt school activities. Schools must also enforce their dress codes equally, and they must accommodate any religious or medical objections. Courts are not likely to overturn dress codes unless it discriminates on the basis of a protected class or on your religious or political views.



Schools can require you to wear a gym uniform if it is needed to keep you safe while you participate in school activities. If you have a religious objection to wearing the standard uniform, the school must allow you to wear clothing permitted by your religion unless the school can show that it would be dangerous. For example, a school could permit you to wear a skirt or pants instead of gym shorts, or might allow a hijab instead of a softball visor.

**Q: I am a transgender student. Can I wear clothes in accordance with my gender?**

**A: Likely yes – the ACLU believes that schools cannot have dress codes based on gender or race; as long as your school allows people of your gender identity to wear a certain type of clothing, you must also be allowed to wear it to school.**

Schools cannot have different dress codes based on gender or race. Dress codes cannot explicitly discriminate based on gender or race. They also cannot be enforced in a discriminatory way. For example, a school can't require that girls only wear skirts and dresses or that boys can't have long hair. They also cannot prohibit a Muslim student from wearing a hijab or a black student from wearing their hair in a protective style. But they can say that no student can have their hair dyed an unnatural color. The law in this area is quickly developing.

**Q: My school lets girls have their ears pierced but not boys. Is that allowed?**

**A: Yes. Piercings are not protected by the First Amendment as a form of free expression. They are seen as a possible disruption or health risk. You can state your case to the principal, but courts aren't necessarily on your side. Some people argue that this is sex discrimination. Courts in other states have rejected that argument when it comes to earrings, but this issue has not been decided in Ohio. The ACLU believes that different dress and grooming standards based on gender is a form of sex discrimination. In addition, students have the right to dress in accordance with their gender, so students who identify as female should be allowed to wear what girls can wear.**

Finally, if a school takes clothing from you pursuant to its dress code (like a hat or hoodie), they must have a way for you to get the item of clothing back, such as allowing a parent or guardian to pick it up or giving it back to you at the end of the day.

## c. First Amendment in School – Protest and Assembly

### The basics:

1. If your school lets other student groups not related to classes meet, it must let your group meet. The rules must be equally applied to all groups;
2. Schools can require a staff member to serve as an advisor to student clubs, but the school can't block the club just because they can't find an advisor;
3. You can protest, but school officials can stop you from protesting on school property during the school day if it interferes with school activities;
4. You can't be disciplined for protesting, but you can be punished for behavior that is otherwise against the rules (i.e. skipping class).

Generally, you have the right to gather and to express yourself through protest, so long as it does not substantially and materially disrupt school functions.

**Q: Can I get in trouble for protesting at school?**

**A: Sometimes.** School officials can't punish you just for your participation in a protest, but you may be punished for behavior that you could be punished for if you weren't protesting. Any behavior that causes a substantial disruption to the school activities may also be punished. For example, if you participate in a walk out and your school has rules punishing skipping class, you may receive the same punishment as a student skipping class.

School officials can restrict where you protest on school property, especially inside of school. They have less control over what you can do outside of the school building. They can tell you that you cannot block an entrance to the school building, but they usually must allow protests on sidewalks around the school. If it's a protest about something important, especially related to school operations, then it's more likely to be protected by the Constitution. But schools can prohibit students from holding protests at school if they cause a serious disruption to school activities.

Generally, the types of protest that have been found to be lawful in schools includes: wearing a t-shirt with a protest statement on it, wearing an armband to make a statement, taking a vow of silence for the day, or speaking at school board meetings. Check with your student code of conduct before you protest to know if you are breaking any school rules.

**Q: Can my school GSA meet on campus?**

**A: Yes, if your school allows other non-curriculum related clubs to meet on campus, it must allow the GSA to meet.**

As for student group meetings, schools can make rules about when and where student groups can meet, but they must apply to all student groups. So, if the school allows any student groups to meet on school property, like chess clubs or community service groups, it must allow all student groups to meet on school property. This is mandated by a federal law called the Equal Access Act. However, if your school only allows clubs that relate to courses (like Spanish club or math club) to meet on school property, then it probably doesn't have to allow other clubs to meet.

**Q: Can my Bible study group meet on campus and say prayers at our meetings?**

**A: Yes. If your school allows other non-curriculum related clubs to meet on campus, it must allow religious clubs as well. However, only students can be involved in meetings of student religious groups on school property. Although school staff can supervise, they can't participate, and people from outside school can't lead or regularly attend the meetings.**



**FIGHT TODAY  
FOR A BETTER  
TOMORROW**



## d. First Amendment in School – Press

### The basics:

1. School officials have more power to censor school-sponsored publications than non-sponsored ones;
2. School officials can stop you from handing out materials at school that are lewd, vulgar, advocate drug use, or are likely to cause a serious disruption;
3. Schools can create reasonable rules for when you can distribute materials at school.

Schools have more power to censor school-sponsored student publications than students' independent publications.

For example, a school can restrict what you say in the yearbook or school newspaper, because those are run by other students and/or teaching staff.

Your school has a lot less of an ability to restrict what you say on your personal blog. But, if you are on school property, or on a school-sponsored blog, your school can restrict content and prohibit the distribution or access to your newspaper or blog if it is offensive or lewd.

You still may be punished if it causes a material disruption to school activities or classrooms. But they can't punish you for otherwise harmless viewpoints, profanity, or even criticism of the school itself that doesn't disrupt class.

**Q: My school wants to cancel our play because one of the characters in it is gay. Is that allowed?**

**A: Probably yes. The Supreme Court has held that schools have a right to control the content of speech in school sponsored activities. *Hazelwood School District v. Kuhlmeier* held that “educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns.... It is only when the decision to censor a school-sponsored publication, theatrical production, or other vehicle of student expression has no valid educational purpose that the First Amendment... require[s] judicial intervention to protect students’ constitutional rights.”**



## e. The internet

### The basics:

1. Schools can limit activity on school-owned computers;
2. Generally, you can't be punished for things you post when not at school, unless it causes a substantial disruption of school;
3. Schools can't prevent you from posting to Instagram or other social media outside of school.

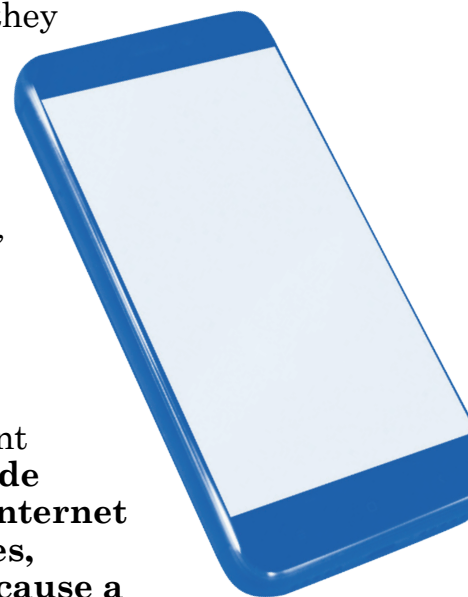
Your rights relating to the internet are split into two categories: during school and outside of school.

During school, your rights are much more limited. Schools can limit students' internet activity on school-owned computers or other technology, and they usually monitor students' internet activity when they use school technology. Schools that receive federal money to help pay for internet services are required to install internet filters that block students from accessing information that might be harmful to minors on school computers, such as sexually explicit photos. Sometimes school officials also block sites that feature content they dislike, like AIDS or other health and sex-related information; this is a problem. If your school is blocking information you think would be useful to students, speak up. Try to gather support and tell your school officials what you think.

Your internet use during school time, even on your own devices, can be limited or prohibited by school policy, and you can be punished if you do something on the internet that you aren't supposed to be doing (e.g., a teacher doesn't want you to be on Twitter during class).

Outside of school, you have a lot more rights to do what you want on social media. The biggest thing for you to know is that **outside school, schools have much less power to limit students' internet activity, especially when they are using their own devices, and especially when the students' activity is unlikely to cause a substantial disruption of school.** But they can't punish you for otherwise harmless viewpoints, profanity, or even criticism of the school itself that doesn't disrupt class. For example, there was a court case where a student posted on her Snapchat, "f\*ck school, f\*ck cheer" and the court found that was ok because it was (1) after school and (2) didn't disrupt any class activities. You must do more than just offend a school official to be disciplined.

Schools also cannot require you to reveal passwords to your private social media or email accounts. They can ask for passwords to school-related email and social media accounts, as well as website logins.



**Q: I texted my friend making fun of our principal, can I be disciplined?**

**A: No.** If you sent the text from your personal device (not a school-owned device) when you were away from school, a school administrator should not be able to punish you. If your friend accesses the text at school (even outside class time), and the message contains swear words, sexually explicit language or images, or promotes drug use, you could be punished.

However, there are lines. Even after school hours, you can get in trouble for threats, cyberbullying, and online harassment (e.g., making fun of a classmate or your principal online). So if your post is cyberbullying, then it is best not to post it. As a reminder, anything on the internet is forever. It doesn't go away, even if you delete it.

**Q: I posted explicit language on my Snapchat. Can my school punish me for that?**

**A: No,** as long as the language isn't targeted to another student or faculty member. The Supreme Court has held that students have free speech rights that schools cannot infringe upon unless it targets another individual or substantially disrupts the school day. Students have a right to say things like "F\*ck Cheer. F\*ck School." on their private social media outside of school hours.

**Q: My friend posted a photo of me drinking on Instagram. Can my principal punish me for it?**

**A: No.** Your principal cannot punish you for drinking outside of school, and if your friend posted it from their personal device outside of school, they also cannot get in trouble by school officials. The police can punish you for underage drinking, though. However, if you were on a school-sponsored trip, then the principal has the authority to discipline you for violating school rules on a school trip.

**You have a right to express yourself in school.**

## IV. Privacy Rights

The Fourth Amendment gives us the freedom to be left alone by the government. We have the right to refuse government searches unless it has probable cause. You have a lot of rights when it comes to dealing with police officers, especially SROs. You can remain silent and you can ask for a lawyer if you are being detained and questioned. And you have privacy rights, with some limits.

**The Fourth Amendment gives us the freedom to be left alone.**

### a. When Can You be Searched?

#### The basics:

1. The law restricts how searches can be done;
2. School officials don't need probable cause or a warrant issued by a judge to search an individual student's belongings. Reasonable suspicion requires less evidence than probable cause, but it should be more than a hunch;
3. Police officers, SROs, and ICE agents need either probable cause or a judicial warrant to search you;
4. The more "personal" the search, the more it is restricted. School desks and lockers are considered less "personal" because they are school property. Students' backpacks and cell phones are considered more "personal" because they are student property. Strip searches are rarely considered legal;
5. School officials can conduct a general search of student bags and other belongings at school entrances, or the entrance to a dance or other school activity.

When you're at school, your right to privacy is balanced against the school's role as a stand-in for your parents or guardian and your school's interest in educating all students in a safe environment. Because of this, school officials have more latitude to search you or your belongings in situations in which police officers could not. Schools can generally search items that are considered "school property" such as lockers and desks. For items that are considered "personal property," such as your person, backpack, or your car, schools generally need "reasonable suspicion" to search.

There are two different standards for when you can be questioned or searched. Probable cause and reasonable suspicion.

#### Reasonable Suspicion:

Reasonable suspicion requires only that school officials reasonably suspect that the search will turn up evidence of a violation of law or school policy. This is a much lower level of suspicion than probable cause. Usually, reasonable suspicion is the standard for school officials, but it can sometimes apply to police (but mostly for questioning).



**Q: What's an example of reasonable suspicion?**

**A: Being caught breaking a school rule might give your principal reasonable suspicion that more evidence might be in your backpack or locker. A tip from a reliable source can give school officials reasonable suspicion. Acting in an unusual or suspicious manner might give your teacher reasonable suspicion to search you.**

### **Probable Cause:**

The U.S. Constitution's Fourth Amendment requires there to be probable cause to search people and their property. The term is fluid and depends on context, but generally means there is a fair probability that a search will result in evidence of a crime. This is a high standard. Usually, probable cause is the suspicion standard for police.

**Q: What is an example of probable cause?**

**A: If the police officer smells marijuana on you, that is probable cause to search you. If a police officer sees spray paint on your hands while investigating graffiti of your school building, they might have probable cause to search your backpack for spray paint cans.**

**What is an SRO? School resource officers are police officers that are either employed by the local police or the school district, but either way, they are police. Rather than the community, the school is their beat. While SROs might give talks in class, meet with students, or monitor halls, they have police powers at all times. Most SROs have the power to arrest students and to issue citations. In many districts, SROs carry firearms, baton, tasers, and handcuffs. Never say anything to an SRO that you wouldn't say to a regular police officer.**

## **b. Searches of Person, Backpacks, and Personal Effects**

### **The basics:**

- 1. School officials can question you at any time for any reason, and they don't have to have any proof that you did anything wrong;**
- 2. Police and ICE agents have to have reasonable suspicion that you did something wrong to do a limited "stop and frisk";**
- 3. Police and ICE agents need probable cause, a judicial warrant, or consent to do a full search of you or your immediate belongings.**



**School officials** can search your person (you, your backpack) when they have reasonable suspicion of a violation of a school rule or the law. Searches must be justified when they begin and they must be reasonable in their scope. Searches and seizures cannot be excessively intrusive or forceful, in light of factors like age, gender, and what they are looking for. This is why strip searches are almost never permissible, because they are too intrusive and likely violate a student’s privacy rights. They can’t take away your stuff for longer than necessary to conduct the search. They also can’t search places where it would be impossible to find what they are looking for (e.g., they can’t search your wallet for a gun).

**Police officers and ICE agents** can do a minimally invasive search called a “stop and frisk” if they have reasonable suspicion that you are breaking the law or have a weapon on you. The frisk must be limited to a pat down of your outer clothing with open hands strictly to look for weapons. If they feel something they think feels like a weapon, then they can search you.

Beyond a stop and frisk, police officers and ICE agents can only search you if they have a **(1) judicial warrant, (2) probable cause, or (3) consent**. They get a warrant by proving to a judge that they have probable cause to believe the search will turn up evidence of a crime. You can ask to see the warrant. The police can only search in the areas listed and for the items listed.

A **probable cause search** is allowed if they reasonably believe you are armed and dangerous or that evidence may be destroyed or removed before they can get a warrant. They will have to prove they had probable cause to do the search to use anything they find against you. You might be most used to hearing about probable cause in the context of searching someone’s car during a traffic stop.

The last way a police officer or ICE agent can search without a judicial warrant is if you consent to the search. If a school official, police officer, or ICE agent asks to search you, say “No.” Never agree to be searched if asked. If you give your consent, anything found can be used as evidence against you. You may not even know you have something suspicious. If you don’t agree to the search, there is a possibility that anything found will not be used against you later. So, saying, “I do not consent to this search,” preserves this opportunity, even if it ends up being unnecessary or ineffective.

**Q: What if the police are standing there when the principal searches my backpack? What standard applies?**

**A: If school officials actually conduct the search and the police didn’t direct the search or have the school do the search for them, then courts use the standard for school officials who conduct searches – reasonable suspicion. But if school officials are acting on behalf of the police, they might need probable cause.**

**Q: What about my cell phone?**

**A: If your school has a rule that you cannot use your cell phone in class, then teachers can enforce that rule by taking your phone, but they cannot keep it forever, and they must explain how you can get it back. School officials are probably able to search your phone if they have reasonable suspicion you violated a school rule (like a text sent during class time), but the search has to be limited (like to the text you sent, but not of all your messages). Police need probable cause, a warrant, or consent to search your phone.**

	<b>School Officials</b>	<b>Police Officers (SROs) &amp; ICE agents</b>
<b>Stop and ask you questions</b>	Anytime	Reasonable suspicion of criminal activity
<b>Pat down outer clothes for weapons</b>	Reasonable suspicion of a violation of a school rule or law	Reasonable belief a person is armed
<b>Search a person and their belongings (e.g. backpack)</b>	Reasonable suspicion of a violation of a school rule or law	Probable cause or a judicial warrant
<b>Right to remain silent</b>	Does not apply (e.g., school may be able to punish you for not answering questions)	Applies (you can invoke this right)

### c. Locker Searches

The basics:

1. School officials can search your locker (but not inside personal containers) when they have reasonable suspicion there's something prohibited by school rules or the law in your locker.
2. Police generally need probable cause, a warrant, or consent to search your locker, but some courts say reasonable suspicion is enough.

Your locker is different. Depending on what your local board of education has decided, the school may search any locker if there's reasonable suspicion of a violation of the law or a school rule; the school does not need reasonable suspicion if there are sufficient postings that state that the lockers are school property and subject to random search.





School officials need less suspicion to search school property, like lockers and school computers, than to search items that belong to you, like your car. School authorities cannot search inside any of your belongings that they find inside your locker or desk, like a closed purse or backpack. To search a closed personal container, the school official must have reasonable suspicion that he or she will find evidence of a violation of school rules or of the law inside that container. In an emergency, however, schools may search student lockers and containers within if the search is reasonably necessary to avert the threat.

**School authorities** can seize any illegal materials found in your locker and use them as evidence against a student in disciplinary proceedings. Illegal material includes any item banned at school, such as cigarettes, alcohol, drugs, knives, and guns. And there is nothing to stop school officials from telling the police what they have found and giving them the evidence. If the police bring criminal or juvenile charges against you, then a judge will have to decide whether the search was reasonable before the materials taken from you can be used as evidence in the court case. The bottom line is: do not bring banned items to school.

**Usually, police officers** still need either probable cause or a warrant to search your locker or your car. However, some courts have found reasonable suspicion is enough for school resource officers to search students and their belongings. Regardless, the search itself must be justified when it starts. You can tell them that you do not consent to the search.

#### d. Protecting Your Rights When Dealing with School Officials

**The basics: You don't have a right to remain silent OR to an attorney when dealing with school officials**

If you are accused of breaking a rule by school officials, stay calm. Anything you say or do can be used against you in a school discipline or criminal case.

There are two main differences here when you talk to a school official vs. a police officer. If you talk to a school official, you do not have a right to have a parent or attorney present when being questioned. What that means is that there's no harm in asking, but if they say no, that's final.

While you can remain silent if school officials are questioning you, you can still be disciplined for refusing to answer questions. It's important to know that just because you have a right to remain silent with police, that doesn't necessarily apply to people like your teacher or principal. If you stay silent, you should not be criminally punished (by police), but you may face discipline by your school (i.e. detention). School staff may question you with police present. What determines your right here is who is asking the questions. You can learn more about when school officials can question or search you in the privacy rights section.

Police are different. SROs are police officers, and not usually considered school officials. With police, you have the right to remain silent, and they can't punish you if you do. You also have a right to have a parent or attorney present.

## e. Protecting Your Rights in a Police Interaction

### The basics:

1. You have a right to remain silent when talking to police, but you must affirmatively invoke it;
2. Never consent to a search by police;
3. You have a right to have an attorney present when police are questioning you.
4. Police officers are allowed to lie to you;
5. Stay as calm as possible when dealing with police.

What should you do with police? Stay calm. Don't run, resist, or try to stop the police. Calmly ask if you are free to leave. If they say yes, silently do so. If they say no, you are in custody. If the police reasonably suspect that you have committed a crime, or are about to commit a crime, you must disclose your name, address, and date of birth.

- You can ask: "Am I legally required to identify myself?" If yes, then do so.
- After you give the police officer this information you do not have to answer any other questions.

Aside from giving identifying information, the following phrases are important in dealing with police. Asking to exercise your constitutional rights does not make you look guilty. We have these rights and they are important to use.

#### **"I want to remain silent."**

This is our Fifth Amendment Right against self-incrimination. From speaking with the cops to testifying in a court room, we have this right. If you've ever heard of someone in a TV show "pleading the fifth" that is this right. You can't just stay silent; you have to TELL them you want to remain silent.

#### **"I do not consent to this search."**

Many times police will ask you if you consent to them searching your car or vehicle. Do not consent to searches without a warrant or probable cause. You may think you have nothing to hide, but you do not know what the police are looking for.

#### **"I want an attorney."**

This should automatically stop questioning by a police officer or investigator until they have an attorney present. Speaking to an officer or investigator without an attorney carries risks. You do not know what the police officer is looking to hear. There have been many false confession cases where the police officers promised someone they could go home if they just said they did this one thing. Police are allowed to lie to you; an attorney can help you navigate those instances.

SROs are police officers. Don't say anything to an SRO that you wouldn't say to a regular police officer. All police officers in schools, no matter what they are called, are first, and foremost, police officers. Their conduct may be limited by a written agreement, called a memorandum of understanding, with the school district. Your same rights with police apply with SROs.

**Q: Am I allowed to record the police?**

**A: Yes. You have the right to take photographs and videos of things that are visible in public spaces. Because school or outside is a public space, you have a right to record police encounters. Police should not confiscate or demand to search your cell phone for pictures or videos without a warrant. Police officers should not delete pictures or videos you took. In almost all cases, audio recording of the police is allowed. If you record police, you cannot interfere with an officer doing their job. That could lead to you getting arrested. You have a right to hold police accountable and file a report citing police misconduct. (Write down officer badge number and car number, witness contact information, etc.)**

Be prepared. Sometimes police officers violate your rights or try to trick you. Some common examples are:

- Officers are allowed to lie to you. Sometimes they say things like, “If you just admit this, you can go home.” That isn’t necessarily true, and sometimes confessions like this get thrown out in court.
- They are also allowed to listen in on any phone calls you place to family members, or any conversations you have in an interrogation room. Assume the police are listening to you.
- Officers may search you or your belongings even if you don’t consent. The fact that you tell them you don’t consent may help you in any following criminal case.
- Officers are supposed to stop asking you questions when you tell them you are invoking your right to remain silent. If they continue trying to get you to talk, calmly repeat the phrase.
- The police officer may disagree with your understanding of your rights. Saying these phrases may not resolve the interaction, but it will preserve your rights in case you end up in court. Do not try to convince the officer of your understanding. Fight in court, not in the street.

**You have a right to remain silent and protect yourself against unjustified searches.**



## V. Discipline by Your School

The Fifth Amendment and the Fourteenth Amendment limit how the government can prosecute people. They set minimum requirements for prosecution, prohibit trying someone more than once for the same crime (double jeopardy) and prohibit taking private property for public use. They also require due process and establish that a person can't be forced to provide evidence against themselves.

**The Fifth Amendment and the Fourteenth Amendment limit how the government can prosecute people.**

You have a right to a safe, appropriate and free education. You also must follow your school's written rules. There are limits on what the school can ban and how they can react. School rules must have a logical relationship to the school's legitimate interests. They must also respect your fundamental rights, including your rights to free speech and due process.

### a. Due Process

#### The basics:

1. If you are accused of doing something wrong by a school official, you must be told what you are being punished for;
2. You may have a right to a hearing, if suspension or expulsion is at stake;
3. Even if you are expelled, school districts must provide students with an education until they are 17.

Due process is a right that everyone has that protects you from being unfairly punished. Basically, due process means that the school can't take away your rights, like the right to go to school, without a fair process to determine that you actually broke a school rule. Schools and police officers must respect your due process rights.

The idea behind due process is that you deserve fairness. So, if you might be in trouble, a school has to tell you (1) exactly what you are accused of doing wrong, (2) exactly what that punishment is at the beginning, before you've served that punishment, and most importantly (3) they have to give you a chance to defend yourself, or tell your side of the story before/if they punish you.

The more extreme the discipline, the more in-depth the process must be. So things like suspension or expulsion should get a really in-depth process. Usually, your school has to make a good faith effort to use the least invasive discipline method applicable.

There are six major rights you have in discipline: (1) view your discipline records, (2) privacy of your discipline records, (3) a fair discipline process, (4) notice, (5) hearing and to defend yourself, (6) appeal the decision, if expelled.

### **1. Access to discipline records**

You have a right to ask your school for your discipline records—check with your school district’s records custodian.

### **2. Privacy of your discipline records**

You also have privacy of those records under a law called FERPA. Generally, the school cannot share your records with third parties without your, or your parent/guardian’s consent.

### **3. A fair discipline process**

A fair discipline process is just like the right to due process. For example, you may be suspended only in accordance with the school board’s rules, which is a lower standard than for criminal cases (which means it takes less proof of wrongdoing, and is easier to suspend you than arrest you). Even though it’s a lower standard than arrest, the principal must make a good-faith effort to get your parent/guardian’s help or use alternatives before suspending you, except in a case of emergency or disruptive conditions that require immediate suspension or a “serious breach of conduct” as defined by the school board’s rules (think something like a violent fistfight).

### **4. Notice**

Before any type of severe disciplinary action is taken, a student must be given notice of the problematic conduct. Before a student is given an out-of-school suspension, the school must provide written notice, including the reasons for the suspension.

### **5. Hearing and right to defend yourself**

You have a right to hear what rules you are accused of breaking and to give your side of the story. If a school wants to issue you an in-school suspension, it must make sure that you are serving the suspension in a supervised learning environment. If a school wants to issue you an out-of-school suspension, you have a right to have an informal hearing and defend yourself. If the school wants to expel you, you have a right to have your parents/guardian or a representative present at an expulsion hearing.

## 6. Appeal the decision, if suspended or expelled

If you are suspended or expelled, you can appeal. First, you must appeal to your local board of education. Then, if you disagree with the board's outcome, you can appeal that decision to your local common pleas court, where you would usually argue that the board's decision was not supported by substantial or reliable evidence, and that the disciplinary action is not reasonable. If you are in this situation, you should consult with an attorney.

### \* **Additional protections for students with disabilities: Manifestation Determination Hearing**

Students with disabilities are afforded additional protections under state and federal law. This is because the law recognizes that behavior may be a result of disability or the school's failure to address the student's needs. You have a right to a special type of hearing called a manifestation determination hearing. You can read more about these hearings in the equal treatment, students with disabilities section.

If you have an individualized educational plan (IEP) and are removed from your current education placement, as specified in your IEP, for more than 10 school days, it is considered a change in placement and additional requirements apply, including the right to a manifestation determination hearing.

## b. What Can You be Disciplined for?

### The basics:

1. You can be disciplined for a broad array of things. Each school is different; check your school's student code of conduct for specifics;
2. You can be disciplined for an action that happened outside of school if it affects school or is a crime.

You can be disciplined at school for a lot of things, like willfully disobeying a staff member, breaking a rule in your student code of conduct, violence, or by doing something that substantially interrupts the school day. This sounds broad because it is. The best way to know exactly what you can and can't do is to look at your school's code of conduct.

Typical grounds for suspension and expulsion include: 1. Possession or distribution of drugs; 2. Violence or threats of violence; 3. Violation of the sexual harassment policy; 4. Disruptive conduct in the classroom or on the bus; 5. Certain violations of the school's dress code; and 6. Certain off-campus criminal charges. Check your local school rules or code of conduct for your school's specific grounds for suspension and/or expulsion. You cannot be suspended for unexcused tardiness, lateness, absence or truancy. Likewise, the Supreme Court has held that a school cannot expel you based on the fact that you are undocumented.



**Q: I got caught with drugs at school, is there any way I can avoid a suspension or expulsion?**

**A: Possibly. You may be entitled to a waiver of discipline or expulsion related to drug possession if you: (1) offer information leading to the conviction of your supplier OR voluntarily disclose your unlawful possession prior to arrest, and (2) you complete a state-licensed drug-abuse program. If you are in this situation, you should consult an attorney.**

You can also be suspended or expelled from things related to school. You can be suspended from the bus if you do something that violates the district's transportation policies. You could also face other school discipline or even criminal penalties. For suspensions of bus-riding privileges, the principal or the principal's designee must give written notice to the student's parent or guardian and to the district school superintendent within 24 hours.

You can also be "suspended" from participating in extracurricular activities if you do something that violates your school's code of conduct, as long as the board of education has a policy allowing them to do this.

**Q: Can I get in trouble for something I did outside of school?**

**A: Yes, possibly. You can get in trouble at school for things you've said or done outside of school in some extreme circumstances, which may include major instances of cyberbullying, especially if it targets another student or teacher. But the school does have much less power to discipline you for things that you say outside of school, compared to things you say within the school environment.**

You can be suspended if you are charged with a felony, even if it happened away from school. The school must show that the incident has an "adverse impact on the educational program, discipline or welfare in the school." Students may be restricted, however, from extra-curricular activities (such as sports) based on off-campus activity because there is no constitutional right to participate in those activities.

Behavior at school can have criminal consequences beyond school discipline. There are some misbehaviors that require a mandatory punishment or law enforcement to get involved. These are called zero tolerance policies. In Ohio, there are about a dozen of those, and they mostly relate to gun possession or use, selling illegal substances, and acts of severe violence (more than an average fistfight). Zero tolerance policies require mandatory expulsion for at least 1 year and to be referred to law enforcement. The School Board can adopt zero tolerance for other actions that pose a threat to school safety. Each school is different, and can institute zero tolerance or ask law enforcement to step in for more misbehaviors. What's important is that even if you are accused of breaking a zero tolerance policy, you still have due process rights to a hearing, to defend yourself, and appeal if you lose.

**If you are charged with a felony off campus, you can be disciplined by your school, but you have rights.**

1. You have a right to a hearing before being expelled;
2. The hearing will be to determine whether the incident has an adverse impact on your school;
3. If a school chooses to expel a student, the superintendent must notify the student's parent or guardian in writing of the specific charges, and a date for the hearing which has to be within three to five school days of the delivery of the notice;
4. You have the right to have your parents or guardian and an attorney present at this hearing;
5. Disciplinary proceedings do not require the same safeguards afforded criminal defendants. In any administrative proceeding, satisfying due process means that the proceeding must be "essentially fair";
6. If you are suspended, the period may be longer than 10 days, but you may be enrolled in an alternative education program;
7. If the court finds you did commit the felony, the school may expel you, but you may receive alternative education.

### c. Types of Discipline

**The basics:** There are a lot of punishment types ranging from detention to suspension, expulsion, or even arrest.

There are multiple ways a school can punish you for misbehavior, and each of them varies in use based on the severity of the offense and on the practices of each individual district. A school generally cannot deny you a diploma or change your grade as a punishment for misbehavior, except in rare circumstances (e.g., evidence of plagiarism that results in a student's grade falling below the criteria for obtaining a diploma).

**Corporal Punishment:** This is punishment via physical force and discipline, such as pinching, shaking, spanking, or punching. No one employed by a public school (including a bus driver) may inflict corporal punishment upon a student attending that school.

**In-School Suspension:** This is when a student is suspended from their usual classes and activities and is placed in an alternative program for up to 10 days. Usually this is a secluded classroom inside your school building where you won't see any of your friends or normal teachers. Your school must inform you why you are being suspended and tell your parent/guardian.

**Out-of-School Suspension:** The Student can't go to any classes or school activities except as authorized by school officials for up to 10 days. This requires you to stay home, but you do still have to do your schoolwork from home, usually for partial or no credit.

**Expulsion:** For a period longer than 10 days, the student is prohibited from attending a public school. They may be enrolled in other educational services, such as a disciplinary program or second-chance school. Expulsions cannot last more than the remainder of the term or school year and one additional year. You are entitled to a formal hearing, and the school board must approve of the decision.

**Q: Can my school make me transfer if I get in trouble?**

**A: Schools will sometimes pressure students and their families to voluntarily transfer to an alternative, virtual school or even homeschool. There are only a few scenarios where the school can force you to do so. Even in these scenarios, you have a right to a hearing and to appeal the decision. Remember, if you have disabilities, you have additional protections in this process.**

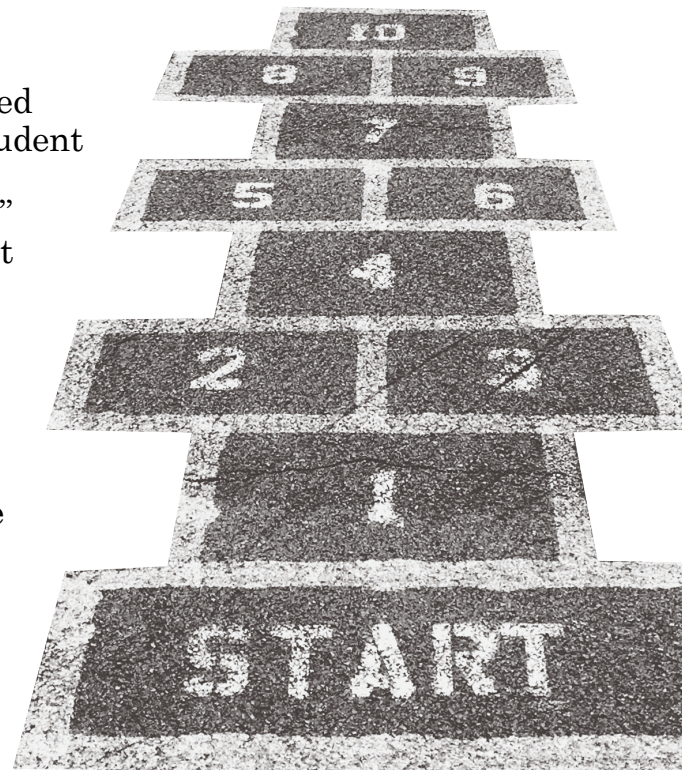


**Alternative Placement:** Student is removed from the school for an offense, not expelled, and placed in an alternative educational setting. This is often the functional equivalent to an expulsion (for example the student is reassigned to an alternative school, virtual school or homeschool) in which case it comes with the same due process rights as an expulsion.

**Law enforcement referral:** Police are called to respond to student misbehavior. This can be paired with any of the above punishments. Sometimes law enforcement referral is required by law (for zero tolerance behaviors, etc.).

Refer to your school district’s zero tolerance policy, which should be in your Student Code of Conduct and must be outlined in an agreement with local law enforcement. Schools are not required to inform police of such “petty acts of misconduct,” which is defined locally.

The ACLU believes that there are better ways to approach student behavior, and many districts across the country use them. One approach is called “restorative justice” which focuses on holding a student accountable for their actions while also repairing the harm caused. Relatedly, “restorative practices” focus on repairing the harm by addressing the root of the misbehavior. For example, if a student acts out because they are frustrated, a restorative practice approach can help to educate a student on better coping mechanisms and to remove stressors that cause frustration and outbursts from the classroom. Restorative responses to student misconduct have been found to have more positive outcomes for students and reductions in school violence than exclusionary discipline, such as suspensions and expulsions. Check with your school, school district, or board of education to see whether a restorative practice can be implemented at your school.



**You have a right to fair discipline by your school.**

## d. I Was Arrested. Now What?

### The basics:

1. Stay quiet;
2. You may be given the chance to go through a juvenile diversion program;
3. You can have your juvenile criminal record expunged, aka wiped clean, at 21 (26 for felonies) or you can apply for early expungement.

If you are arrested, keep quiet. Never talk about the facts of your case over the telephone or over a video call with anyone, including your family, as you will likely be recorded, and what you say can be used against you. Do not say anything, sign anything, or make any decisions without a lawyer present.

Some communities may offer juvenile diversion programs, which generally aim to reduce unnecessary youth incarceration and provide alternative interventions. Please contact your local prosecutor's office or court system to see if such a program is offered in your county.

## VI. My Rights Were Violated. Now What?

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If your rights are violated, there are some things you can do to protect yourself. As soon as possible, write a statement about the incident or violation that occurred. Include who was present, what happened, where and when it happened, and if you reported it. Keep copies of any documents you submit or that the school gives to you. If you feel safe doing so, ask for statements from witnesses, such as other students, school staff, and administrators. Contact a Civil Rights Group like ACLU of Ohio, Disability Rights Ohio, Equality Ohio, and NAACP of Ohio. They may be able to help.

You can contact the ACLU of Ohio at [contact@acluohio.org](mailto:contact@acluohio.org) or by filling out our **Need Legal Help?** form on our website ([acluohio.org/need-legal-help](https://acluohio.org/need-legal-help)).

Organize a meeting of students (off-campus, if necessary) to discuss if and how the school may be violating students' rights and what changes are needed. Develop a plan of action, which might include writing a complaint letter to the school board and school officials, sending out letters informing parents, writing to local government officials about the violations, or distributing fliers to alert other students to the problem. Enlist the support of sympathetic teachers, counselors, or parents for advice on how to address the problem. Contact the organizations or local attorneys for help.

Find out who the ultimate decision makers are (principal, school district superintendent, or school board) and investigate what steps you must take to bring your complaint to this decision maker.

## A. Acknowledgements

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