



Know Your Rights 2025 Protesting and Student Protests

Last Updated: Jan. 27, 2025 1:40 pm

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What are my rights to protest in school?

Generally, you have the right to speak out so long as you do not substantially and materially disrupt school operations. A school can punish you for disrupting class by speaking out of turn or for leaving without permission, even if you did so to make a political statement. The school can also require you to follow “content-neutral policies,” which do not focus on the message you express. These include dress codes, restrictions on leaving school without permission, or rules against posting on walls. A school can prohibit you from wearing hats in the classroom, because that rule is not based on what the hats say, but it can’t prohibit you from wearing a pro-NRA or pink pussycat hat, for example.

Can students who participate in a walkout be punished for leaving class?

Yes. If your school normally does not allow you to leave the building without permission, then you do not have any special right to do so to engage in a political demonstration. But, just because the school is authorized to punish you does not mean they must do so. It is worth asking for leniency.

Can students be punished more severely for participating in a walkout rather than for other reasons?

No. Imposing harsher punishment on students who skip school to engage in political activities than on those who cut school for any other reason violates the First Amendment. If you believe this happened to you, please let us know so we can gather more information.

If I leave school for a walkout, can I be picked up by truancy officers or stopped by law enforcement?

Yes. If you are not physically present in school during school hours, you may be stopped by truancy officers. We encourage you to participate in a permitted protest event to minimize your risk. However, even attending a permitted event during school hours may not shield you from truancy enforcement.

Can students with prior disciplinary history be punished more severely than others for participating in a walkout?

Yes. Your school may increase the severity of your punishment if you have already committed a previous offense. This is why the ACLU urges schools to carefully consider the consequences of disciplining students for participating in protests: some students will be more impacted than others. Review your school’s Code of Conduct for specific guidance. The school must provide this to you at the beginning of the school year and make copies available to parents



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Can schools prevent students from leaving the building to participate in a walkout?

Yes. We encourage schools to support students' rights to protest, but schools may take reasonable steps to prevent rule violations, including walkouts. Most schools have rules against leaving class or the building without permission. Some schools may allow students to gather inside the school to protest but may still punish students who leave school. Some may not punish students who leave with their parents' permission, while punishing students who leave without it.

Just because a school may take reasonable steps to prevent rule violations does not mean that a school's decision is a wise one. You have the right to criticize the school, including by talking to the media, using your own time and resources when you are not at school.

What are my rights to protest as an undocumented student at in-school and outside demonstrations?

Undocumented student protesters have the same First Amendment rights as student protesters with United States' citizenship at protests. However, undocumented students may face additional negative consequences if arrested during a demonstration, that could lead to detention and even deportation, so you should take extra precautions to ensure you are not subject to arrest.

If you are in the US on an immigrant visa or green card, you should talk to an immigration attorney about your rights and responsibilities.

What can I do if my school suspends me?

State law does not provide the right to appeal a suspension from school. However, your school may have its own rules about other options if you disagree with the suspension decision. These policies will be outlined in your district's Student Handbook under Code of Conduct.

If your district does not have a process, the family should use the informal hearing to explain what happened and any situations that might help the school understand why it happened.