



Know Your Rights: Teens & Students

I. FAQ—Rights in Schools

(Adapted from Students! Know Your Rights, ACLU of Ohio, 3rd edition)

Freedom of Speech and Expression:

Q: What kinds of speech can schools regulate?

A: Schools can regulate school-sponsored speech, speech that is vulgar/offensive, speech that causes a disruption in school, speech that interferes with other students' rights, speech that incites illegal activity or celebrates drug use, speech that is "obscene," or speech that makes false personal attacks.

Q: Can schools ban certain student groups and allow others?

A: No. The Equal Access Act applies, which says that a school cannot allow some extracurricular groups but prohibit others. School officials cannot discriminate based on the political, religious, or philosophical nature of a group.

Q: Can school officials control the content of school-sponsored publications?

A: Yes, for educational reasons, to maintain school safety, or to protect the rights of other students. But they cannot remove an article from a student newspaper just because they don't agree with its views, nor can the censor an article that criticizes the school.

Q: Can you get in trouble for sexting, even if it is on your own time?

A: Yes. Ohio treats sexting as a crime, and you could be charged with producing or distributing child pornography. It is best to not engage in sexting and delete any sexting photos you receive.

Q: Can schools enforce a certain dress code?

A: Yes. Clothes are an important form of expression, but they are not allowed to be disruptive. This means schools can have reasonable dress codes, including bans on piercings, hair colors, tattoos, and certain dance attire. However, political speech on t-shirts is allowed, even if school officials don't like the message, and religious attire is allowed.

Frequently Asked Questions

Religious Freedom

Q: Can a school teach intelligent design?

A: No. Schools cannot restructure science classes to conform to certain religious beliefs, and a Pennsylvania court held that teaching intelligent design violated the First Amendment. In Ohio, the state school board voted to remove intelligent design from the curriculum in 2006.

Q: Can you pray at school?

A: Yes. As a student, you can pray on your own, but staff cannot be involved, nor can they lead students in prayer. Schools are allowed to have “moments of silence,” but not if they are intended specifically for prayer.

Q: Can a school have holiday events?

A: Yes. Schools may have holiday assemblies and concerts, but they must not give the impression of endorsing religion.

Search and Seizure

Q: Can a school search backpacks or purses?

A: Yes, if they have a reasonable suspicion that you are breaking the law or violating a school rule.

Q: Can a school “strip search” you?

A: No, except in very rare circumstances. Searches of inner clothing that would reveal a student’s body are almost always unconstitutional, unless there is evidence that a student has a dangerous item in their inner clothing. The offense must be serious enough to justify such an invasive search.

Q: Can a school require athletes be tested for drugs?

A: Yes. The Supreme Court has ruled that urine samples are not an intrusive search, and that school officials’ efforts to stop drug use justify the testing. This kind of testing does not require individualized suspicion, meaning that they don’t need to have the reasonable belief that you are doing something illegal.

Discipline

Q: Can schools suspend or expel students?

A: Yes, but there are many procedures they must follow. School policy must explain which offenses may result in suspension or expulsion. For suspensions and temporary

Frequently Asked Questions

expulsions, the superintendent or principal must give the student written notice of the intent to suspend/expel and why. You are also entitled to a formal hearing where you can challenge the disciplinary action and explain what you did.

Q: Can public schools use physical (corporal) punishment?

A: No. Corporal punishment is banned in Ohio public schools, but reasonable corporal punishment is allowed in private schools. However, public school teachers are still allowed to exercise reasonable force when necessary to control a student fight or confiscate weapons.

Q: Do students have the right to have their record cleared?

A: Once you turn 22, all school districts that have records regarding your expulsion must remove and destroy them.

Discrimination

Q: What are schools required to do in order to prevent bullying?

A: Ohio law requires public school districts to have a policy on how they will address bullying and harassment. This must detail what qualifies as bullying, how they will report and investigate incidents, how parents will be notified, how bullying victims will be protected, and how bullies will be disciplined.

Q: Are schools liable if they don't protect their students?

A: Students can sue a school district for ignoring their complaints of bullying and harassment.

Q: Can a school forbid a student from taking someone of the same gender to prom?

A: No. If you attend a public school, you have a constitutional right to bring a same-gender date to a dance, and they must protect your safety. Some schools still prohibit LGBT couples from coming to dances, but the ACLU strongly disagrees with this as it violates the equal protection of the law under the Fourteenth Amendment.

Q: Do girls and boys have rights to equal athletic opportunities?

A: Yes. However, many courts have held that sex-segregated teams are allowed as long as everyone is given the chance to participate in the sport.

Q: Can schools keep you from attending classes if you are pregnant?

A: No. School officials cannot keep you from learning, attending graduation, or extracurricular events because you are pregnant. They are allowed to offer special classes for pregnant students, but they cannot make you attend if you would prefer to be in regular class.

II. FAQ—Teen Health

(Adapted from Your Health and the Law: A Guide for Teens, ACLU of Ohio, 7th edition)

Confidentiality

Q: Can a teacher access a student’s medical records?

A: No. Without permission, health care providers cannot release a patient’s information.

Q: Will my parents find out about my treatment if I use their insurance?

A: Maybe. Itemized benefit statements issued to the parents might reveal confidential medical information, such as the procedures and services you have sought. A teen seeking services under a parent’s insurance can contact the insurance company to determine what medical services will be reported to the parents.

Emancipation

Q: Can my parents refuse to give me permission to seek care because it violates their religious beliefs?

A: In some circumstances a minor may still not be able to consent to their own care, but your parents are not allowed to refuse your treatment based on their religious beliefs. You may need to go to court and petition the judge to receive the treatment.

Q: I support myself financially and am a minor. Can I consent to my own care?

A: Not necessarily. In Ohio, teens who support themselves are not legally considered emancipated.

Sexuality

Q: Can minors receive STI treatment, or STI tests, without telling their parents?

A: Yes. The law allows minors to receive and consent to treatment without telling their parents, but the minor may have to pay for it themselves. Ask your health care provider about free testing options.

Q: I came out to a provider. Will they tell my parents?

A: If you reveal that you are lesbian, gay, bisexual, or transgender, medical and health professionals must keep that information strictly confidential.

Frequently Asked Questions

Q: What is emergency contraception? Where do you get it?

A: Emergency contraception is capable of preventing pregnancy when taken soon after sex. Anyone 17 or older can purchase emergency contraception over the counter at a pharmacy. If you are not 17 or older, you need a prescription from a health care provider.

- *Note, if someone asks if emergency contraception is the same as the “abortion pill” you can answer:*
 - No, they are completely different medications.

Mental health

Q: Someone I know is depressed or suicidal. What should I do?

A: Ask them how they are doing and listen to them without judging. If you are unsure whether they are suicidal, it is ok to ask if they are thinking about hurting themselves. Express your concern for their well-being, and encourage them to seek professional counseling.

Neither of you are alone in this. Talk to an adult that you trust about your concerns, and/or to seek advice from a confidential suicide or depression hotline.”

Q: I am feeling suicidal. What should I do?

A: You are valuable and loved. Professional counseling can help, or you can call the National Hopeline Network at 1-800-SUICIDE (hopeline.com).



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