



# KNOW YOUR RIGHTS

## Gender Expression at School



### Do I have First Amendment rights in school?

- You have the right to speak out, hand out flyers and petitions, and wear expressive clothing in school — as long as you don't disrupt the functioning of the school or violate rules that have nothing to do with the message expressed.
- What counts as “disruptive” will vary by context, but a school disagreeing with your position or thinking your speech is controversial or in “bad taste” is not enough to qualify. Courts have upheld students' rights to wear things like an anti-war armband, an armband opposing the right to get an abortion, and a shirt supporting the LGBTQ community.
- Schools can have rules that have nothing to do with the message expressed, like dress codes. So, for example, a school can prohibit you from wearing hats — because that rule is not based on what the hats say — but it can't prohibit you from wearing only pink pussycat hats or pro-NRA hats.
- Outside of school, you enjoy essentially the same rights to protest and speak out as anyone else. This means you're likely to be most protected if you organize, protest, and advocate for your views off campus and outside of school hours.
- You have the right to speak your mind on social media, and your school cannot punish you for content you post off campus and outside of school hours that does not relate to school.

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## LGBTQIA2S+ student rights

- LGBTQ students have a right to be who they are and express themselves in public schools.
- Public schools should not “out” students to their families.
- Public schools have a responsibility to create a safe learning environment. They cannot ignore harassment based on a student’s appearance or behavior. Students should report harassment or threats to a principal or counselor. This puts the school on notice that officials can be held legally responsible for not protecting students.
- Public schools cannot force students to wear clothing inconsistent with their gender identity.
- If a public school permits any noncurricular clubs — clubs that aren’t directly related to classes taught in the school — then it must allow students to form a Gay-Straight Alliance or other LGBTQ-themed clubs, and the school can’t treat it differently from other noncurricular clubs.
- Students’ transgender status and gender assigned at birth are confidential information protected by federal privacy law. If your school reveals that information to anyone without your permission, it could be violating federal law. If you don’t want school officials revealing your private information to others, including your legal name, tell them very clearly that you want your information kept private and that they should not disclose that information to anyone without your consent.
- Some states and cities explicitly protect the right of transgender students to use restrooms and locker rooms consistent with their gender identity. Additionally, several courts have ruled that excluding transgender boys and girls from using the same restrooms as other boys and girls violates federal education law. This is an area of the law that is changing a great deal right now. We recommend that you contact the ACLU if you have any questions about your rights at school.

## What to do if you feel your rights have been violated

- Write down what happened as soon as you can: time and date, who was involved, where you were, any witnesses, and everything you can about the events that happened.
- Tell an adult you trust.
- Call a lawyer.

Contact the ACLU of Alaska at [acluak@acluak.org](mailto:acluak@acluak.org)



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