

## *Freedom of Speech in Schools*

This week's DebateAble Table topic asks you, your family and friends to think about what Freedom of Speech means, how it should be limited, and how it applies to elementary school kids while at school.

**“Sticks and stones can break your bones but words will never hurt you.”**

What does this mean? \_\_\_\_\_

Do you think it's true? YES      NO

Most of us have heard this rhyme before. And some of us have even said it to someone. But are words really harmless? Or should we protect ourselves and each other from certain kinds of words? And do kids need special protection from hearing or saying some words or ideas? Keep these questions in mind as you read this page about the meaning of freedom of speech and how it applies to students like you.

### **What does freedom of speech mean?**

**Freedom of speech** is the right to state your opinions and ideas without being blocked or punished by the government. The United States Constitution guarantees this right in the **First Amendment**, which says:

“Congress shall make no law...abridging the freedom of speech.”

- *Congress* is the group of people elected to make laws for the whole country.
  - Courts (whose job it is to decide what the Constitution means) have told us that the First Amendment applies to rules made by ANY part of the government and anyone employed by the government.
- *Abridging* means to cut back or make something smaller.

### **Why does it matter?**

Most people think freedom of speech is necessary for a democratic government. That means a government where the people get to choose leaders who decide how the country will be run based on what matters to its people. In countries without free speech, people might be afraid to say what they think or believe in. When that happens, the government doesn't know what its people want and can't make laws based on the values of its people.

### **Do students have First Amendment rights to free speech while they're in school?**

PUBLIC SCHOOLS and their employees (like teachers, principals and superintendents) are run by the government.

- That means the First Amendment DOES protect free speech in public schools.
- PRIVATE SCHOOLS and their employees are not part of the government.
- That means the First Amendment DOES NOT protect free speech in private schools.

### **But does freedom of speech mean we can say whatever we want, whenever we want, to whoever we want?**

Nope. Our courts have told us that it's ok to make laws against SOME types of speech that are especially harmful. For example, some types of speech may that be limited in some situations include: **Obscenity** (dirty, indecent or foul speech), **fighting words** (words that cause almost immediate and dangerous conflicts) and **defamation** (saying something that you know is not true meant to hurt another person's reputation.)

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### **Are public schools allowed to put even more limits on freedom of speech?**

Yes! It's true that public school students have many of the same free speech rights as every other person. The Supreme Court ruled that **students:**

**“do not shed their constitutional rights to freedom of speech and expression at the schoolhouse gate.”**

What do you think that means?

BUT, schools *are* allowed to limit certain types of student expression. Some examples are:

Speech that greatly disturbs the school environment

Speech that is verbally abusive

Speech that invades the rights of others

Speech promotes illegal drug use

Obscene speech

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**Questions to Consider: Freedom of Speech in School**

- Read the document, “Freedom of speech in schools.”
- Answer each question below: write out your answers, or think about them without writing, or answer out loud.
- Ask one or more family member(s) to answer each question. Talk with them about their answers and how they’re the same or different from yours. What can you learn from each other about your unique ideas?

**Does “speech” only mean the words we say out loud?**

List other ways that people can “speak” beliefs, opinions or messages besides saying them out loud?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

Turn your paper upside down to read some examples in the text box to the right. How many did you guess? →→→

Other forms of “speech”:  
 • Books and other written works  
 • Online posts  
 • Movies and television  
 • Theater and dance  
 • Art  
 • Video Games  
 • Political yard signs  
 • Handing out flyers  
 • Clothing  
 • Symbolic speech, like burning a flag or wearing a black armband  
 • The right not to speak, such as a refusal to say the pledge of allegiance  
 • Donations of money to political campaigns  
 Lata Nott, Executive Director, First Amendment Center. IS YOUR SPEECH PROTECTED BY THE FIRST AMENDMENT?  
 www.freedomforuminstitute.org

1. Have you ever thought about whether you have freedom of speech at your school? YES NO
2. Do you know if your school has rules about any of these for its students?  
 clothing • social media posts • email content • youtube videos • social protests • music • flyers
3. Has your free speech or the free speech of someone you know at school ever been *censored*? YES NO  
 \**censor* means to limit or take control over someone else’s information or ideas. kids.wordsmith.net  
 If so, what happened? \_\_\_\_\_  
 \_\_\_\_\_  
 What do you think was the reason for that censorship? \_\_\_\_\_
4. What’s one situation where it might be a good idea for a school to limit students’ speech? \_\_\_\_\_  
 \_\_\_\_\_
5. What’s one situation where censorship by schools could be negative for students? \_\_\_\_\_  
 \_\_\_\_\_
6. Can you think of any reason why it might be important to protect the expression of hurtful speech or unpopular opinions? \_\_\_\_\_  
 \_\_\_\_\_

## WALK OUT PROTESTS: A FORM OF SPEECH?

Read “The Walk Out Protest.” If you can, have one or more of the people in your home or in your online contacts read it, too. Answer the questions alone or together and play the Stakeholder Game.

### THE WALK OUT PROTEST

Last March, many students across the country participated in a national walk out from school to protest gun violence. At some elementary schools, 4<sup>th</sup> and 5<sup>th</sup> graders were allowed to join the walk out demonstrations. School officials said:

- “Students are smart. They understand the reason for the walk out and want to support the cause.”
- “We’re giving them an opportunity to express their First Amendment rights in a safe place.”

At other schools, elementary students were forbidden from walking out and marked absent or even threatened with suspension if they disobeyed. School officials said:

- “If we let students walk out this time, we open the door to allow them to walk out and protest anything.”
- “A walkout is a threat to students’ safety.”
- “Kids don’t understand this. They’re just looking for a chance to skip school and get out of work.”

### QUESTIONS

Is a walkout protest a form of speech?    YES    NO

Think of way(s) that a walkout could be MORE OR LESS powerful than using words and write them, below.

MORE: \_\_\_\_\_

LESS: \_\_\_\_\_

Do you think schools should be able to forbid 4<sup>th</sup> and 5<sup>th</sup> grade students from using this form of speech?    YES    NO

Why or why not? \_\_\_\_\_

\_\_\_\_\_

### STAKEHOLDER GAME

One of the ways to look at *any* debate topic is by thinking about who the stakeholders are. What’s a stakeholder?  
**A “stakeholder” is any person or group that has something to win or lose from the result of the argument.**

*Play with others:* Read “The Walk Out” out loud or have each player read it to themselves.

- Read the explanation of “stakeholders” in the box above, out loud.
- Decide which stakeholder each person will pretend to be by letting everyone select or assigning roles.
- Ask each stakeholder to come up with one thing their stakeholder wins and one thing their stakeholder loses on both sides of the topic.

*Play on your own:* Fill out as many different wins and losses as you can for the different stakeholders. See if you can complete the whole chart!

STAKEHOLDER	SCHOOL ALLOWS STUDENTS TO PARTICIPATE IN THE PROTEST	SCHOOL DOES NOT ALLOW STUDENTS TO PARTICIPATE IN THE PROTEST
Student who WANTS to participate in the walkout	WIN:	WIN:
	LOSE	LOSE
Student who does NOT WANT to participate in the walkout	WIN:	WIN:
	LOSE:	LOSE:
Parent	WIN:	WIN:
	LOSE:	LOSE:
Teacher	WIN:	WIN:
	LOSE:	LOSE: