

You Have the Right to Remain Silent

It is your choice whether or not to speak to an officer. If you do speak, everything you say can be turned over to the police and may be used against you in a suspension hearing and in court. No matter what, be polite.

If an officer wants to question you about a crime that took place in school, you can ask if you are free to leave. If the officer says yes, go to a private place to contact a parent or lawyer before speaking with police again. If the officer says no, **it is still your right to remain silent.** You should not answer any more questions before speaking to a lawyer.

If You are Arrested

Never resist an arrest or fight an officer, even if you are frustrated, scared or angry.

The school must tell your parent that you were arrested, no matter how old you are. If your parent or guardian isn't available, someone from the school staff who was not involved in the incident should go with you to the police station and stay with you until your parent arrives.

Your Right to Freedom of Expression

Students have the right to express their opinions and beliefs in school, and to publish and distribute materials as long as they follow the school's rules regarding when, where and how those materials may be distributed. The only exceptions are for speech or materials that:

- Substantially interfere with appropriate discipline or the educational process
- Are obscene or vulgar
- Promote the illegal use of drugs or any other banned substance
- Infringe on the rights of others

Your right to express yourself also applies online, however, laws about what students can and can't post or access are still developing. In general:

- **Student activity on school-owned devices, equipment, and networks can be limited.** Follow your school's Acceptable Use Policies outlined in the Student Code of Conduct.
- School administrators should not censor or discipline a student for anything they post or access **on their own devices while off school grounds.**
- Whether you are on a school-owned or personal device, always use good judgment about what you post or access online.

You Have the Right to Make a Complaint

You have the right to file a grievance/complaint if you feel you've been treated unfairly or in violation of your school district's policies. **All schools must have a formal Student Grievance Procedure for students to express their complaint and have it addressed.** This procedure should be found in your Student Code of Conduct.

You can also file a complaint against an SRO if they:

- Physically assault you (punching, kicking, slapping, hair pulling)
- Curse at you
- Touch you inappropriately or make inappropriate comments
- Make negative comments about your race, religion, gender or gender expression, accent, national origin or sexual orientation

To file a complaint against an SRO, contact the Internal Affairs Office of the Delaware State Police by calling 302-739-5990.

If you think your rights have been violated, contact the ACLU of Delaware at 302-654-5326. You can also file a complaint online at www.aclu-de.org.



www.aclu-de.org • (302) 654-5326

Understanding Your School's Code of Conduct

All Delaware public school students have the right to be informed of school rules and regulations. Each student and his/her parent/guardian should receive or be told where to find a copy of the school's Student Code of Conduct at the beginning of each school year or upon entry/reentry to school.

If you are a student with an IEP and/or 504 plan, you have additional protections under federal and state laws. Ask your school for policies and procedures for students with disabilities.

Students can be disciplined for behavior when they are in school, coming to or from school (bus stops, on the bus, etc.) or at school-sponsored activities. Students should only be punished for violating rules included in the Code of Conduct.

If a disciplinary action will deprive a student of days in school or classroom time, he/she has the right to:

- Know exactly what they are accused of doing and the rule they are accused of breaking
- The chance to tell their side of the story before receiving punishment

Understanding Your School's Code of Conduct

Students can be expelled or suspended from school for more than 10 days for certain violations of the Student Code of Conduct. If this happens, the student has a right to a more formal hearing process where they can present their case and challenge the sanction the school wants to impose.

School Resource Officers (SROs)

SROs are fully trained and armed police officers who are present in schools to ensure the safety of students and school staff.

If you are stopped by an SRO at school:

- Stay calm and be polite.
- Know that **you have the right to remain silent.** You may tell the officer, "I want to remain silent."
- **Keep your hands where the officer can see them.**
- **Don't run away** from an officer.
- **Don't resist or interfere** with an officer (even if you think he or she is wrong).

Searches

A search is when an SRO or school administrator looks through your belongings, locker, or your pockets. Your rights during searches are different depending on whether an SRO or an administrator wants to search you.

Searches by School Staff

To search you or your belongings (like your bag), the administrator must have reasonable suspicion* to believe that you broke a school rule or committed a crime, and the extent of the search must be related to the reason that you are being searched.

For example, an administrator cannot search your pockets if he or she suspects that you stole a computer from school, because you can't hide a computer in your pocket.

Student lockers and desks are property of the school and may be searched by an administrator at any time with or without reasonable suspicion.

*Reasonable suspicion is a belief that you broke a school rule or criminal law. It must be based on facts or reasonably trustworthy information. It cannot be based on a feeling, the color of your skin or the clothes you are wearing. You can't be searched just because the administrator thinks that you "look like" a drug dealer.

Searches by a School Resource Officer

SROs should only search students for evidence of a crime, not for school disciplinary matters. If an SRO wants to conduct a search at school, they generally must follow the same restrictions that apply outside of school—which usually means getting a warrant.

Regardless of whether or not they have a warrant, if an officer asks to search you or your belongings, you can say: **I DO NOT CONSENT TO THIS SEARCH.** Saying this may not stop the search, but it's the best way to protect your rights in case you are arrested.

No matter what, **DO NOT resist or fight the officer!** Resisting could get you arrested.

You should only be searched by someone of the same sex as you, unless there is no alternative.