

YOUTH & STUDENTS

As the United States Supreme Court stated, "Constitutional rights do not mature and come into being magically only when one attains the state-defined age of majority."

POLICE AND CRIME

Young people can be arrested for virtually all the reasons an adult can, plus other offenses as well. Police can arrest a juvenile if they have reasonable grounds to believe:

- They have committed a delinquent act;
- They have run away from home; or
- They are in need of supervision, pursuant to a court order.

A young person has rights upon getting arrested:

- They do not have to answer any questions, except to supply their name, age, address and their parents' names;
- They have the right to call their parents or lawyer or both. If he or she does not have a lawyer, they have the right to ask for one;
- They have the right to stop answering questions at any time or wait until the lawyer arrives before continuing; and
- They must be informed that anything said may be used against them in court.

Juveniles who are alleged to be delinquent and have been detained have a right to a detention hearing within 72 hours. Juveniles who are alleged to be unruly and have been detained have a right to a detention hearing and a probable cause determination within 24 hours and an adjudicatory hearing within 72 hours (TCA §37-1-114). Juveniles should be detained at a juvenile facility, not an adult jail.

Juvenile court proceedings are not criminal and so a finding of delinquency is not a criminal record. Juvenile court records are kept confidential, but certain people can have access to them under certain circumstances. These records *may* be expunged upon the juvenile's 18th birthday provided that he or she has met certain conditions. However, any child over 16 can be tried as an adult and any child under 16 can be tried as an adult for certain serious crimes. *may* be tried as adults in certain circumstances and if convicted, would have a criminal record.

Just as with adults, the police are not allowed to search juveniles unless they have a warrant signed by a judge or

unless the juvenile is getting arrested. However, if police believe a juvenile has a weapon they may frisk them, and if they feel a weapon they may search them. A juvenile in a car stopped by the police has the same rights as an adult.

Juveniles do not have to consent to a search, but we do not suggest that they resist.

CONTRACEPTION, ABORTION AND PREGNANCY

Any person under 18 may get an examination, treatment, hospitalization, medical or surgical care for venereal disease, pregnancy or drug abuse without notification or consent of the parent. Doctors may prescribe contraceptives, medication or devices to persons under 18 who do not have parental consent. However, a private physician can refuse to treat or write a prescription to anyone.

Tennessee requires that a minor get the written consent of one parent (or legal guardian) or court permission before obtaining an abortion. The minor must also present documentation that establishes the relationship between the minor and the parent. Even with this documentation, physicians, hospitals, and other persons have the right to refuse to perform abortions (TCA § 37-10-303(a)(1)).

MARRIAGE

In Tennessee, a person must be 18 or older to marry without permission. A person can get married as young as 16 with parental permission. No one under 16 can get married without a court order (TCA § 36-3-105).

STUDENTS - SCHOOLS

School Records

Under the 1974 Family Educational Rights and Privacy Act (known as the Buckley Amendment), schools that receive any federal funding must make student records available for viewing by parents (or legal guardians) or the students themselves if they are 18 or over. Some information, however, cannot be accessed, including psychiatric reports and other non-educational records of counselors, doctors, social workers, etc. Schools must respond to requests to view records within 45 days, and may charge a reasonable fee for copying costs. Schools can release a student's records to school officials or teachers or those with a legitimate educational interest in seeing the records, such as when a student transfers schools. Students and their parents can challenge inaccurate or unfair information by meeting with school officials and making a request that the records be changed. If the school refuses, the student can request a hearing before an impartial third party.



P.O. Box 120160, Nashville, TN 37212

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01/16

Free Speech

A famous Supreme Court decision called *Tinker v. Des Moines School District* held that students do not “shed their rights to free speech at the school house gates.” Students have a right to free expression and free association but not to the same level of adults. This means students can express themselves orally, in writing, or on leaflets, buttons, armbands or T-shirts. However, because schools have a valid interest in maintaining school discipline, they can regulate speech that would constitute a “substantial and material disruption” to the operation of the school. Under *Morse v. Frederick*, another landmark Supreme Court case, schools can also regulate speech that can reasonably be viewed as promoting illegal drug use even if it is not substantially disrupting the school’s operation.

So, for example, students may wear an armband in protest of a national war (*Tinker*), but students cannot hold up a sign at a school event that reads: “Bong Hits 4 Jesus” (*Morse*) and they probably cannot block the front door or use vulgar or sexually explicit language (*Bethel School District No. 403 v. Fraser*).

Additionally, under a Supreme Court decision named *Hazelwood v. Kuhlmeier*, school authorities can exercise a little more control over school-sponsored publications and activities, like a school paper or play, if they do so in a way that is “reasonably related to legitimate pedagogical concerns.” In the *Hazelwood* case, the Court allowed the principal to edit and remove stories about teen pregnancy and divorce from the school paper that he thought were not appropriate for students.

The ACLU has represented many students whose free speech rights have been infringed upon at school—including the students in *Tinker*.

Dress Codes

In general, state and federal courts have recently given schools a great deal of latitude to enact dress codes as a cursory response to the rise of violence in schools. Cases such as *Wallace v. Ford*, 346 F.Supp. 156, 161 (1972), and *Bivens v. Albuquerque Public Schools*, 899 F.Supp. 556 (D.N.M. 1995), have set precedents that instruct courts to regard a student’s dress not as a First Amendment issue, but as an element that can be “disruptive to the educational process” (*Wallace*, 164). Schools can impose reasonable dress codes, as long as they apply uniformly and are not viewpoint based (i.e., it’s OK for a school to prohibit any shorts more than two inches above the knees, but it’s not OK for a school to prohibit T-shirts that advocate political beliefs, like the support of a candidate or idea).

The school can also impose reasonable hair codes as long as they are not discriminatory. In 2010, a Texas court granted a dress code exemption for a male student whose long braids were a symbol of his and his parents’ Native American beliefs. *A.A. ex rel. Betenbaugh v. Needville Indep. Sch. Dist.*, 611 F.3d 248, 258 (5th Cir. 2010) Indeed, cases like this one

and *Wallace* suggest that because hair is “an integral part of [one’s] person,” schools might need a stronger justification for regulating student’s hair styles than regulating dress. (163).

Courts in South Carolina, Connecticut, Florida and Louisiana, however, have upheld even the strictest of dress codes. Some of these policies include provisions that allow a limited range of colors and styles, exclude an opt-out option for religious clothing, and provide minimal financial aid to families in need. ACLU believes in the rights of students to express themselves freely as long as they do not impose on the rights of others.

Pledge of Allegiance

Students cannot be required to say or stand for the pledge of allegiance. Students have a right to remain silently seated during the pledge.

Equal Access

The U.S. Supreme Court has found that all students, even those in the country without documentation, have the right to go to public school. A public school cannot discriminate based on race, gender, religion, sexual orientation, ethnicity or disability. Boys and girls must be provided with equal athletic opportunities, although courts have found separate teams OK as long as there are equal opportunities for sports participation. Schools cannot keep girls who become pregnant from attending class, graduation, extra-curricular or any other activity. Further, students who are HIV positive have the same rights to attend class and participate in sports as any other student and are protected against discrimination.

Disability

Under the Individuals with Disabilities Education Act (IDEA), public schools cannot deny education to a student because of a disability. Schools must provide disabled students with programs reasonably calculated to enable the child to receive educational benefits in the least restrictive setting. Only in extreme circumstances may schools be unable to accommodate a student’s disability in any regular or special classroom setting.

The student has a right to a special education evaluation, following which educators must prepare an Individualized Education Plan (IEP) for the student if the student is found to have a disability. This plan lays out any accommodations necessary to afford him/her an education. For example, a deaf student may be entitled to a sign language interpreter. There are also procedures in place to appeal any special education decisions with which a student disagrees. Parents who are dissatisfied with the evaluation or the programs recommended by the IEP have a right to a hearing.



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Privacy

Students have fewer privacy rights in school than out. Students have a right to remain silent when questioned by a school official, and can ask to see their parents or a lawyer before they answer any questions. Likewise, under the Fourth Amendment, they are protected from unreasonable searches and seizures by public school officials. However, in *New Jersey v. T.L.O.* (1985) the Supreme Court ruled that schools, unlike the police, can search students, and their lockers or cars, without a warrant when they have “reasonable grounds for suspecting that the search will turn up evidence that the student has violated” school rules or the law. School officials must have a good reason to believe the particular person committed the act, and cannot search people because they think “someone” did it. For example, school administrators cannot search all students because they think some students are selling drugs. See *Horton v. Goose Creek Independent School District*, 693 F.2d 524, 525.

Drug tests are “searches,” and schools should have a reasonable belief the particular student is using drugs before subjecting him/her to a drug test. Nevertheless, the U.S. Supreme Court has held that students in extra curricular activities can be tested for drugs, regardless of individual suspicion, in part because the activities are extracurricular and voluntary. Tennessee’s Student Drug Testing Law allows students who participate in voluntary extracurricular activities to be subject to drug testing without individual suspicion. See TCA § 49-6-4213(a)(2).

Students have a right to privacy in their decisions about their bodies, and the school cannot make or prohibit a student from obtaining an abortion. State law, however, can require schools to inform parents of a student’s pregnancy notwithstanding the student’s right to privacy. Likewise, a school cannot force a student to take an HIV test nor can it require an employee or student to disclose an HIV positive status. See TN State Board of Education, HIV/AIDS Policy for Employees and Students of TN Public Schools, 5.300.

Discipline

Students have the right to have discipline imposed fairly. If students are found guilty of something, the punishment cannot be greater than the misconduct. This means that the school cannot suspend a student for a minor infraction, or for something for which another student only received detention. However, the school can suspend a student for willful and persistent violation of school rules, truancy, violence or threatened violence against school staff, vandalism, weapon possession, and using vulgar or profane language. Students cannot be suspended until they have been informed of the nature of their misconduct, questioned about it, and given a chance to explain their behavior. Any student being suspended for more than 10 days has the right to appeal the decision at a hearing.

Bullying, Harassment and Cyber-Bullying

Under Tennessee law, every public school district must “adopt a policy prohibiting harassment, intimidation, bullying or cyber-bullying.” (§ 49-6-1016). Cyber-bullying means any kind of bullying or harassment that takes place through electronic devices like cell phones, e-mail, text messages, or websites, which is aimed directly at a student and creates either a disruption to the learning environment or a hostile educational environment. Tennessee law also encourages teachers and student to reports any instances of bullying or harassment they encounter to school officials. The ACLU believes that no student should be subjected to bullying and treats in-and out-of-school bullying as a serious matter.

Religious Freedom

Practicing Religion in School

The First Amendment guarantees that people have the right to practice their religion, or no religion, and this right applies to students too. Schools cannot penalize students because of their religious beliefs. Students must be allowed, for example, to wear yarmulkes, pray individually before lunch, and meet with other students who hold the same beliefs. Students have the right to pray whenever they want to and to express their religious viewpoints, as long as it does not disrupt classroom instruction or other educational activities and does not infringe upon the rights of others.

Should a student or parent have a concern about freely practicing their beliefs, the Tennessee Student Religious Liberty Act of 1997 instructs the student or parent to take their complaint to the school’s principal before taking legal action. If the issue remains unresolved, the student or parent can make the complaint in writing to the director of schools at which point the director has thirty (30) days to investigate and resolve the issue. Legal action cannot be taken until the student or parent takes these necessary steps. T.C.A. § 49-6-2904 (5)(c)(1)-(4).

Promoting or Teaching Religion in School

While students individually have the right to pray, the school cannot in any way support or promote prayer. There can be no prayer over the loud speaker, no spiritual readings, even if the prayer is “non-denominational.” Schools cannot teach religion in school other than addressing the influences of religion in history, literature and philosophy, and they cannot promote any religious beliefs or practices. Tennessee schools are instructed, however, to exercise one (1) minute of silence at the beginning of each school day. Students may use this time to pray or may choose to remain quiet; during this time educators may not instruct or lead the students in prayer of any kind. T.C.A. § 49-6-1004. Students may be excused from some school activities if they conflict with their religious beliefs.



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01/16

Graduation Prayers

In *Lee v. Weisman*, the Supreme Court held that invocations or benedictions provided for or initiated by public schools for graduation ceremonies are unconstitutional. Under Tennessee law, however, “nonsectarian and nonproselytizing voluntary benedictions, invocations or prayers that are initiated and given by a student volunteer or student volunteers may be permitted on public school property during school-related noncompulsory student assemblies, school-related student sporting events and school-related commencement ceremonies.” T.C.A. § 49-6-1004(c). Student-led prayer is unconstitutional too, even if the students vote to do it. Students can, however, choose to have an alternative event that includes prayer, like a baccalaureate, but it cannot be sponsored by the school or be held on school grounds.

Student Bible Clubs

Student-led Bible clubs are OK under the following conditions:

- The school **must** make its facilities available to **all** student groups on an equal basis;
- School officials can't be involved in organizing or running the club;
- The activity must take place during non-school hours; and
- Giving out Bibles or other religious books during the day is unconstitutional, even if teachers aren't the ones distributing them.

RESOURCES – NATIONAL AND STATE

ACLU-TN provides the following list of resources for informational purposes only. ACLU-TN does not endorse any of the organizations listed.

National Organizations

Children's Defense Fund

25 E Street, NW

Washington, D.C. 20001

Website: <http://www.childrensdefense.org/>

E-mail: cdfinfo@childrensdefense.org

Phone: 800-233-1200

The Children's Defense Fund (CDF) is a non-profit child advocacy organization whose mission is to provide a voice for children who cannot vote, lobby or speak for themselves through policies and programs aimed at lifting children out of poverty, protecting them from abuse and neglect, and ensuring their access to health care, quality education and a moral and spiritual foundation.

National Association of State Boards of Education

333 John Carlyle Street, Suite 530

Arlington, VA 22314

Website: <http://www.nasbe.org/>

Phone: 703-684-4000

E-mail: boards@nasbe.org

The National Association of State Boards of Education exists to serve and strengthen State Boards of Education in their pursuit of high levels of academic achievement for all students.

National Center for Youth Law

405 14 St., 15th Floor

Oakland, CA 94612

Website: <http://www.youthlaw.org/>

Phone: 510-835-8098

Fax: 510-835-8099

E-mail: Info@youthlaw.org

The National Center for Youth Law (NCYL) is a non-profit organization that uses the law to ensure low-income children have the resources, support, and opportunities they need for a fair start in life. NCYL provides litigation support, legislative and administrative advocacy, and publications in areas of child welfare/foster care, juvenile justice, mental health care, and reproductive health care.

U.S. Department of Education Office for Civil Rights

The Office for Civil Rights strives to ensure equal access to education and to promote educational excellence throughout the nation by enforcing civil rights and serving students facing discrimination.

Lyndon Baines Johnson Department of Education Building

400 Maryland Avenue, SW

Washington, D.C. 20202-1100

Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

Phone: 1-800-421-3481

Fax: 202-453-6012

TDD: 877-521-2172

E-mail: ocr@ed.gov

Atlanta Office for Civil Rights OCR Office for Tennessee

61 Forsyth Street SW, Suite 19T10

Atlanta, GA 30303-8927

Phone: 404-974-9406

Fax: 404-974-9471

TDD: 800-877-8339

E-mail: OCR.Atlanta@ed.gov



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Hotlines

[Childhelp National Child Abuse Hotline](#)

Website: <https://www.childhelp.org/hotline/>
1-800-4-A-Child (1-800-422-4453)

The Childhelp National Child Abuse Hotline is staffed 24/7 and is dedicated to the prevention of child abuse. Crisis counselors, through interpreters, can provide assistance in over 200 languages.

[Girls and Boys Town National Hotline](#)

Website: <https://teenlineonline.org/yyp/girls-boys-town-national-hotline/>
800-448-3000

The girls and Boys Town National Hotline provides crisis and resource referral services, specializing in family reunification of runaways and homeless adolescents ages 11-17. Counseling is offered over the phone and online.

[Loveisrespect](#)

Website: <http://www.loveisrespect.org/>
Chat: www.loveisrespect.org
Text: loveis to 22522
Call: 1-866-331-9474

Loveisrespect is a national teen dating abuse hotline that offers peer advocate support, information and advocacy to young people who have questions or concerns about their dating relationships. It is a project of Break the Cycle and the National Domestic Violence Hotline.

[National Runaway Safeline](#)

Website: <http://www.1800runaway.org/>
1-800-RUNAWAY (1-800-786-2929)

The mission of the National Runaway Safeline (NRS) is to help keep America's runaway, homeless and at-risk youth safe and off the streets.

[National Suicide Prevention Lifeline](#)

Website: <http://www.suicidepreventionlifeline.org/>
1-800-273-8255

The National Suicide Prevention Lifeline is a 24-hour, toll-free, confidential suicide prevention hotline.

[Planned Parenthood](#)

Website: <https://www.plannedparenthood.org>
1-800-230-PLAN (1-800-230-7526)
Chat: www.plannedparenthood.org/all-access/chat

The Planned Parenthood chat and hotline can be contacted for urgent questions about STD testing, the morning-after pill, abortion, and pregnancy testing.

[Teen Line](#)

Website: <https://teenlineonline.org/>
310-855-HOPE (310-855-4673)
800-TLC-TEEN (800-852-8336)

Teen Line is a national hotline that provides personal teen-to-teen education and support.

[The Trevor Project](#)

Website: <http://www.thetrevorproject.org/>
Trevor Lifeline: 1-866-488-7386
TrevorChat: thetrevorproject.org/pages/get-help-now#tc
TrevorText: Text the word "Trevor" to 1-202-304-1200

The Trevor Project provides crisis intervention and suicide prevention services to lesbian, gay, bisexual, transgender and questioning (LGBTQ) young people ages 13-24.

State Organizations

[Big Brothers Big Sisters of Middle TN](#)

1704 Charlotte Ave., Suite 130
Nashville, Tennessee 37203
Website: <http://www.mentorakid.org/site/>
Phone: 615-329- 9191
Fax: 615-321-5913
E-mail: info@mentorakid.org

Big Brothers Big Sisters provides children facing adversity with strong and enduring, professionally supported one-to-one relationships to improve their lives.

Satellite Big Brothers Big Sisters Offices:

[Rutherford County Office](#)
415 North Maple Street, Suite 301
Murfreesboro, TN 37130
Phone: 615-890-8868 ext. 10

[Robertson County Office](#)
800 M.S. Coats Blvd.
Springfield, TN 37171
Phone: 615-384-9584

[Cheatham County Office](#)
104 Ruth Drive
Ashland City, TN 37015
Phone: 615-792-2202



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01/16

[Boys and Girls Club of Chattanooga](#)

610 Lindsay Street
Chattanooga, TN 37403
Website: <http://www.bgccha.org/>
Phone: 423-266-6131
Fax: 423-756-5781
E-mail: adminsecretary@bgccha.org

The Boys and Girls Club of Chattanooga strives to provide children with a positive self-identity, positive values, and a commitment to learning through youth development programs.

[Boys and Girls Club of Greater Memphis](#)

44 S. Rembert Street
Memphis, TN 38104
Website: <http://www.bgcm.org/>
Phone: 901-278-2947
Fax: 901-274-5460
E-mail: info@bgcm.org

The Boys and Girls Clubs of Greater Memphis (BGCM) aims to enable all young people to reach their full potential as productive, caring, responsible citizens. BGCM provides after-school care for children ages 6-18 with programs in Education and Leadership, Character Development, Healthy Life choices, Athletics, and the Arts.

[Boys and Girls Club of Middle Tennessee](#)

1704 Charlotte Ave., Suite 200
Nashville, TN 37203
Website: <http://www.bgcmtn.org/>
Phone: 615-833-2368
Fax: 615-833-4381
E-mail: info@bgcmtn.org

The Boys and Girls Club of Middle Tennessee focuses on helping all young people succeed through afterschool programs and activities designed to help members reach academic success, good character, citizenship, and healthy lifestyles.

[Boys and Girls Club of the Tennessee Valley](#)

John D. Lee Administrative Offices
1100 Marion Street, Ste. 100
Knoxville, TN 37921
Website: www.bgctnv.org
Phone: 865-232-1200
Fax: 865-232-1201
E-mail: info@bgctnv.org

The Boys and Girls Club of the Tennessee Valley engages teens in academic enrichment, graduation preparation, job and career readiness, college preparation, workforce development and leadership development programming.

[Nashville Cares](#)

633 Thompson Lane
Nashville, TN 37204
Website: www.nashvillecares.org
Phone: 615-259-4866
HEARTline: 1-800-845-4266
Fax: 615-259-4849

Nashville Cares provides HIV prevention education, confidential HIV tests and essential support services to children and youth living with the disease.

[Oasis Center](#)

1704 Charlotte Avenue, Suite 200
Nashville, TN 37203
Website: www.oasiscenter.org
Phone: 615-327-4455
Fax: 615-329-1444
Crisis Hotline: 1-866-975-FREE (or 1-866-975-3733)

The Oasis Center provides at risk youth a connection to a caring adult, a safe and secure environment, and empowerment to make better choices.

[Sexual Assault Center \(SAC\)](#)

The SAC provides advocacy services for youth survivors of sexual assault by connecting clients to community resources, including assistance in filing for Criminal Injuries Compensation. The SAC also provides crisis support and therapy for children (ages 3-12) and teenagers (ages 13-18).

[Nashville/Main Office](#)

101 French Landing Drive
Nashville, TN 37228
Website: www.sacenter.org
Phone: 615-259-9055
Crisis and Support Line: 1-800-879-1999

[Clarksville Office](#)

1725-I Wilma Rudolph Blvd.
Clarksville, TN 37040
Phone: 931-241-4143

[Murfreesboro Office](#)

115 Heritage Park Drive
Murfreesboro, TN 37129

[Students Taking a Right Stand \(STARS\)](#)

1704 Charlotte Avenue, Suite 200
Nashville, TN 37203
Website: <http://starsnashville.org/>
Phone: 615-279-0058
Fax: 615-279-0056

STARS is a non-profit organization that offers school and community programs to support young people through issues like bullying, substance abuse, and violence.



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01/16

Tennessee Disability Coalition

955 Woodland Street

Nashville, TN 37206

Website: www.tndisability.org

Phone: 615-383-9442

E-mail: coalition@tndisability.org

The Tennessee Disability Coalition is an alliance of organizations and individuals that offer programs to promote full and equal participation of youth with disabilities in all aspects of life.

Youth Encouragement Services (YES)

521 McIver Street

Nashville, TN 37211

Website: <http://youthencouragement.org/>

Phone: 615-315-5333

Fax: 615-315-5344

E-mail: info@youthencouragement.org

YES operates three youth centers that offer educational and recreational programs for youth ages 6-18 during after school hours, weekends, and summer break. Programs give children a safe place to go to engage in social, educational and cultural activities.



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