



We Have Rights!

Know Your Rights curriculum for teaching middle and high school students

Teaching students to exercise their rights

Today's youth are not waiting to become leaders in our democracy. As they grow into this role, it is critical that they understand not only what rights they have, but the value of these rights and how to protect themselves. This will help them see their role in our broader democracy, how the law impacts their daily lives, and how they can impact law.

This curriculum is designed to use with middle and high school students to introduce them to their rights, the law protecting their rights, how that law develops, and how they can be an active participant in our democracy. It was designed for use in classrooms, community events and with youth groups.

USER AGREEMENT

This curriculum was produced by the American Civil Liberties Union (ACLU) of Florida. It is designed to present general information about the state of the law regarding student rights in public schools. It is not exhaustive. It is also not designed to offer legal advice and should not be used in such a way. The law turns on facts specific to each circumstance, so a guide such as this is not a substitute for legal advice.

- You may use these materials in public and private education events.
- You may adapt these materials to fit your needs.
- Using this guide does not make you a representative of the ACLU or the ACLU of Florida. You may not lead youth or the public to believe that you represent the ACLU.

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ELEMENTS

WE HAVE RIGHTS! STUDENT HANDBOOK

The We Have Rights! Student Handbook presents legal rights relevant to youth, particularly public school students. This curriculum is designed to be presented with the handbook. You should read the handbook before presenting the curriculum. You can download the handbook at www.aclufi.org/wehaverights.

RIGHTS! TRADING CARD GAME

Playground City has produced a trading card game that students may use to learn their rights through play. You may download the game and related materials at www.playgroundcity.org.

SCOPE AND SEQUENCE

The curriculum is presented as four modules:

- Introduction to Civil Rights
- School Discipline I
- School Discipline II
- Police Interactions

While each of these modules allows for individual presentation and instruction, we recommend presenting all four in this order. A Scope & Sequence for each module outlines the topics covered. For those teaching in classrooms, we've included relevant Florida Standards to make incorporating these lessons into your lesson plan that much easier!

PRESENTATION MATERIALS

The material is presented both as PowerPoint slides and as pdfs. The PowerPoint slides include notes to provide background and details to help answer questions you or your students may have.

ASSESSMENT MATERIALS

The Introductory, School Discipline I, School Discipline II, and Police modules each have Pre- and Post-Tests. These give students opportunities to both test their knowledge before the module and the chance to compare their growth following instruction. You also have an Answer Key that not only shares correct responses, but why those answers are correct.

INTRODUCTION TO CIVIL RIGHTS MODULE

OVERVIEW

This module presents the individual rights relevant to youth in the U.S. Constitution and provides an overview of how those rights play out in a public school setting.

DETAILED OUTLINE OF SLIDES

| Slide Description | Notes |
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| Slide 1: Your Constitutional Rights (and why <u>YOU</u> should care!) | |
| Slide 2: Why should you know your rights? <ul style="list-style-type: none">• Knowing your rights is the first step in asserting them• Sources of Rights: State and Federal Law• What about kids?: "It depends." | This slide is used to open the conversation and discuss the sources for rights, the way the law develops, how it applies to youth and why kids should care about any of this. See page 5 of the Handbook. |

Slides 3 through 11 walk through the Bill of Rights, presenting the language of the most relevant amendments, then explaining how they relate to public school students.

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| <p>Slide 3: First Amendment</p> <p>Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.</p> | <p>The first amendment gives us free speech, freedom of religion, freedom to organize and protest, and creates a free press.</p> |
| <p>Slide 4: First Amendment Goes to School</p> <ul style="list-style-type: none"> ▪ You have the right to express yourself at school, within limits. ▪ School officials can limit what you say if it includes threats, profanity, lewdness or encourages illegal activities. ▪ School official can limit how you speak to prevent major disruptions to class or school activities. ▪ Schools have more power to censor school-sponsored student publications than your independent work. | <p>You have a right to be yourself and to express your beliefs and opinions. Your school has an interest in maintaining order and building a safe, appropriate learning environment. These interests will sometimes compete with your rights.</p> <p>While you must follow your school’s rules, there are limits on what your school can ban. School rules must have a logical relationship to the school’s legitimate interests. They must also respect your fundamental rights, including your rights to free speech and due process.</p> <p>See page 11 of the Handbook.</p> <p>Additional First Amendment Discussion Points:</p> <ul style="list-style-type: none"> • Right to Gather & Protest, page 13 of Handbook • Right to Publish and Distribute Ideas, page 14 of Handbook • Internet and Social Media, page 14 of Handbook |
| <p><i>Recommendation: Pause for role play, video or Q&A based on pages 11 through 14 of the Handbook</i></p> | |

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| <p>Slide 5: Fourth Amendment</p> <p>The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.</p> | <p>The fourth amendment gives us the freedom to be left alone. We have the right to refuse searches by the government, unless it has probable cause.</p> |
| <p>Slide 6: Fourth Amendment Goes to School</p> <ul style="list-style-type: none"> ▪ When you are at school, your right to privacy is balanced against the school’s role as a stand-in for your parent or guardian and its interest in educating all students in a safe environment. ▪ School officials can search you or your belongings in situations where a police officer could not. | <p>When you’re at school, your right to privacy is balanced against the school’s role as a stand-in for your parents or guardian and your school’s interest in educating all students in a safe environment. So, your school can search you or your belongings in situations when a police officer could not.</p> <p>See page 25-27 of the Handbook</p> |
| <p>Slide 7: Fourth Amendment Goes to School</p> <p>Chart comparing when police vs. school officials can search students</p> | <p>See page 25-26 of the Handbook for detail and sample Q&A. Essential point is that school staff are not limited in the same ways law enforcement due to their role as stand-in parent</p> <p>Probable Cause: The U.S. Constitution’s Fourth Amendment requires there to be probable cause to search people and their property. The term is fluid and depends on context, but generally means there is a fair probability that a search will result in evidence of a crime.</p> <p>Reasonable Suspicion: Reasonable suspicion requires only that school officials reasonably suspect that the search will turn up evidence of a violation of law or school policy. This is a much lower level of suspicion than probable cause.</p> |

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| <p>Slide 8: Fifth Amendment</p> <p>No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.</p> | <p>The fifth amendment limits how the government can prosecute people. It sets minimum requirements for prosecution, prohibits trying someone more than once for the same crime (double jeopardy) and prohibits taking private property for public use. It also requires due process and establishes that a person can't be forced to provide evidence against themselves.</p> |
| <p>Slide 9: Fifth Amendment Goes to School</p> <ul style="list-style-type: none"> ▪ Schools must provide due process when making discipline decisions and decisions around what educational services a student can receive. ▪ Can students be forced to talk to police at school? <ul style="list-style-type: none"> ▪ No. Students have a right to remain silent when questioned by police. ▪ Can students be punished for refusing to talk to school officials? <ul style="list-style-type: none"> ▪ Yes. | <p>See pages 16, 25-26, of the Handbook.</p> <p>Due Process: Due process means that the school can't take away your rights, like the right to go to school, without a fair process to determine that you actually broke a school rule. The more extreme the discipline, the more in-depth the process must be. Such procedures include:</p> <ul style="list-style-type: none"> • Telling you exactly what you are accused of doing wrong. • Telling you exactly what the punishment will be. • Giving you a chance to tell your side of the story before punishing you. <p>DON'T SAY ANYTHING TO A SCHOOL RESOURCE OFFICER YOU WOULDN'T SAY TO A REGULAR POLICE OFFICER. All police officers in schools, no matter what they are called, are first, and foremost, police officers. Their conduct may be limited by a written agreement, called a memorandum of understanding, with the school district.</p> <p>To exercise the right to remain silent, they must say "I want to remain silent."</p> |
| <p><i>Recommendation: Pause for role play, video or Q&A based on pages 25-27 of the Handbook</i></p> | |
| <p><i>Slides 10 through 13 walk through special circumstances that some students may face. Presenting this material will not only empower these students, but will help other students develop empathy for classmates.</i></p> | |

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| <p>Slide 10: Rights for Students with Disabilities</p> <ul style="list-style-type: none"> ▪ Right to a “fair and appropriate education” ▪ Parents have the right to participate in educational planning and IEP creation. ▪ Schools must follow special rules when disciplining students with disabilities. | <p>Students with disabilities have a right to a “free and appropriate education” (FAPE). This means your school must identify students with disabilities and evaluate and meet their needs.</p> <p>IEP – Individualized Education Plan</p> <p>Students with Disabilities have additional protections under state and federal law. This is because the law recognizes that behavior may be a result of disability or the school’s failure to address the student’s needs.</p> <p>Students with disabilities must be given equal opportunity to be involved in extracurricular activities when possible. Schools have to make reasonable accommodations and changes for these students. However, schools may deny participation to a disabled student if there’s a serious risk of injury to the student or to others, or if they can point to other non-discriminatory reasons for denying participation.</p> <p>See pages 7-8 and 18 of the Handbook</p> |
| <p>Slide 12: Immigrant Rights</p> <ul style="list-style-type: none"> ▪ Students have the right to go to public school regardless of immigration status ▪ The school cannot report a student’s immigration status to immigration authorities ▪ Students cannot be expelled for being undocumented | <p>All kids have the right to enroll in their local public school, regardless of immigration status. Once enrolled, they have the same rights as other students.</p> <p>Under federal law, students’ education records may not be shared without your or your parent’s consent or a court order. This includes immigration status.</p> <p>Similarly, federal law prohibits requiring students to disclose their immigration status at school and prohibits requiring teachers to report students to immigration authorities.</p> <p>The U.S. Supreme Court has ruled that a school cannot expel a student based on the fact that you are undocumented.</p> <p>See page 8 of Handbook</p> |

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| <p>Slide 13: LGBTQ Students</p> <ul style="list-style-type: none"> ▪ The Code of Conduct must be applied equally, regardless of sex, gender or sexual orientation. ▪ Schools have a responsibility to protect students from bullying and harassment. ▪ If the school allows non-academic student clubs, it must allow students to form a Gay-Straight Alliance. | <p>Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Students LGBTQ students have a right to be who they are and express themselves at school.</p> <p>A school can require students to wear uniforms and can otherwise restrict what students may wear, but it cannot enforce dress codes on the basis of sex. This prohibition protects LGBTQ students as well.</p> <p>Q. Can the school tell my parents or teachers that I am gay or transgender?</p> <p>A. Probably not. Your sexual orientation and how you identity are confidential information. If your school reveals that to anyone without your permission, it could be violating federal law. Don't assume they understand that: if you don't want them revealing your private information, tell them very clearly that you want your information kept private and that they shouldn't out you to other students, parents, or anyone else without your consent.</p> <p>See page 9 of the Handbook</p> |
| <p>Slide 14: Pregnancy and Sexual Health</p> <ul style="list-style-type: none"> ▪ Can pregnant girls be forced to leave school? <ul style="list-style-type: none"> ▪ No. ▪ Is parental permission required to get birth control? <ul style="list-style-type: none"> ▪ Only if it requires a prescription. ▪ Is parental permission required to get an abortion? <ul style="list-style-type: none"> ▪ Probably, but you may be able to a waiver process. | <p>Under federal law, schools are prohibited from excluding pregnant or parenting students from schools, classes or extracurricular activities. They must give pregnant students the same accommodations that students with other temporary medical conditions are able to receive.</p> <p>No one needs permission to buy or use birth control or sexually-transmitted infection (STI) prevention methods that do not require a prescription to purchase, like condoms and the morning-after pill. Prescription birth control requires parental permission unless the student is 18, married, has been pregnant before, or, in some cases, if they need it for health reasons.</p> <p>Florida passed a law in 2020 to require doctors get notarized proof of permission by a legal guardian before terminating a pregnancy, along with proof of notification. The law does not apply in emergencies or if the student has been emancipated, already has children or has been married. Minors can apply for a waiver of the requirements with the local court.</p> <p>Youth have a right to carry your pregnancy to term and have a right to custody of their child unless a court finds them unfit.</p> <p>See page 10 of the Handbook</p> |

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| <p>Slide 16: Protect Your Rights</p> <ul style="list-style-type: none"> ▪ Report Abuse to School Staff ▪ Keep a List ▪ Report Behavior to Superintendent ▪ Keep Written Records ▪ File a Complaint with the U.S. Department of Education Office of Civil Rights ▪ Contact Civil Rights Groups | <p>See Page 6 of the Handbook</p> |
| <p>Slide 17: Contact Information Slide 18: Conclusion</p> | |

ASSESSMENT: INTRODUCTION TO CIVIL RIGHTS

Take a look at these questions and see what you already know about your rights. You might surprise yourself!

1. Student rights are established by:
 - a. State statutes
 - b. Federal statutes
 - c. The Florida Constitution
 - d. The U.S. Constitution
 - e. All of the above
2. How can you protect your rights?
 - a. Report abuse of rights to school staff
 - b. Keep a list of discriminatory incidents at my school
 - c. File a complaint with the United States Dept. of Education
 - d. All of the above
3. Principal Skinner found a vape pen in the girls' bathroom. He suspects it belongs to Lisa. Can Lisa be punished for not answering his questions?
Yes No It depends
4. Principal Skinner tells Lisa's parents she can't come back to the school. Do they have the right to appeal this decision?
Yes No It depends
5. A rumor is spreading that Mike has nunchucks and someone submitted an anonymous tip. Can Vice Principal Splinter search Mike's locker?
Yes No It depends
6. Greta wants to organize a protest at lunch to raise awareness about the impact of food waste in the cafeteria. Does she need permission?
Yes No It depends
7. Can schools punish students for the things they say?
Yes No It depends
8. Can schools expel a student for being an undocumented immigrant?
Yes No It depends
9. Can schools choose whether to allow student clubs based on whether they approve of the subject.
Yes No It depends
10. Can schools discipline students for what they post on social media.
Yes No It depends

ANSWER KEY: INTRODUCTION TO CIVIL RIGHTS

1. Student rights are established by:
 - d. **All of the above** (*State statutes, Federal statutes, The Florida Constitution, and The U.S. Constitution*)
2. How can you protect your rights?
 - d. **All of the above** (*Report to school staff, Keep a list, File a complaint*)
3. Principal Skinner found a vape pen in the girls' bathroom. He suspects it belongs to Lisa. Can Lisa be punished for not answering his questions?

Yes. *Students do not have a right to remain silent when questioned by school officials.*
4. Principal Skinner tells Lisa's parents she can't come back to the school. Do they have the right to appeal this decision?

Yes. *Due Process requires the ability to appeal decisions to expel or similarly remove students from regular school.*
5. A rumor is spreading that Mike has nunchucks and someone submitted an anonymous tip. Can Vice Principal Splinter search Mike's locker?

Yes. *An anonymous tip is enough to support reasonable suspicion of a violation of school rules or law, which allows searches. The fact that the locker is school property further reduces the amount of suspicion necessary.*
6. Greta wants to organize a protest at lunch to raise awareness about the impact of food waste in the cafeteria. Does she need permission?

It depends. *If the school has a policy requiring approvals before such demonstrations, than she does. Otherwise, this is unlikely to be a major disruption of school, so she does not.*
7. Can schools punish students for the things they say?

It depends. *If the speech disrupts school, such as threats, profanity or encourages illegal activities, students can be disciplined for it.*
8. Can schools expel a student for being an undocumented immigrant?

No. *The U.S. Supreme Court has ruled that a school cannot expel students based on the fact that they are undocumented.*
9. Can schools choose whether to allow student clubs based on whether they approve of the subject.

No. *If a school allows nonacademic student clubs, it cannot discriminate based on the subject.*
10. Can schools discipline students for what they post on social media.

It depends. *If the speech is a major disruption of school, such as threats, or encouraging illegal activities, students can be disciplined for it, even when it occurs off campus.*

SCHOOL DISCIPLINE MODULE

OVERVIEW

This module presents student rights in school discipline in a public school setting. It is best used as a follow-up to Module 1 or with students who have a basic understanding of the balance between student rights and school authority. **This aligns with pages 15-21 of the Handbook.**

DETAILED OUTLINE OF SLIDES

| Slide Description | Notes |
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| Slide 1: You Have Rights: School Discipline Process | This slide is used to open the conversation and discuss the sources for rights, and how they apply to schools during discipline. Summarize content from the Intro to Civil Rights Module. "Students don't lose their rights at the school door." But students' rights are balanced against the school's interest in maintaining order and building a safe, appropriate learning environment |

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| <p>Slide 2: When can the school discipline me?</p> <ul style="list-style-type: none"> • Speech • Clothes • Protest • Off-Campus Behavior • Social Media | <p>Substantial and material disruptions – the school has an interest in limiting these and the courts have decided that they can. The definition for this is a serious physical disturbance of the school day, such as a walkout, a riot, destruction of school property, and other events that make it impossible for school officials to maintain order. This includes disruptions of class as well.</p> <p>Have students give examples of things that are allowed and that are not allowed.</p> <p>Speech:</p> <ul style="list-style-type: none"> • Jokes about violence or school shootings – yes • Unpopular political opinions – no • Opting out of the Pledge of Allegiance – no, but written request from parent or guardian needed. • Sexual jokes – yes • What’s printed in the yearbook – yes • What’s printed in a student-produced, not school-affiliated paper – no, unless substantial and material disruption. <p>Clothes:</p> <ul style="list-style-type: none"> • School dress code – yes, if not discriminatory • Political hats – no, unless all hats are prohibited • Hoodies – yes for safety, unless you have a religious or medical reason to wear head coverings. <p>Protests:</p> <ul style="list-style-type: none"> • Schools can limit protests if they cause substantial disruption to school activities • Students cannot be punished for just your participation in protests. However, if there is an action that students would be punished for outside of the protests, for example, a walk out. And the school punishes for skipping class, then students can be punished for that action • Schools can make rules about when and where student groups can meet, but they must apply to all student groups <p>Off-Campus Behavior: No, unless substantial and material disruption.</p> <p>Social Media: No, unless substantial and material disruption, such as bullying or harassment.</p> |
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Slide 3: Rules & Consequences

Explain all of this can be found in the Student Code of Conduct and where to find it.

School officials may discipline you for a wide range of actions, including willful disobedience, violence, or any other acts which substantially disrupts the school process.

You may be disciplined for some off-campus conduct. Be careful what you post online.

Behavior at school can have criminal consequences beyond school discipline.

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| <p>Slide 4: Zero Tolerance Policies</p> <ul style="list-style-type: none"> Florida requires zero tolerance for bringing weapons to school or making bomb threats Zero tolerance policies require mandatory expulsion for at least 1 year and to be referred to law enforcement The School Board can adopt zero tolerance for other actions that pose a threat to school safety | <p>Weapons include knife, slingshot, etc. Both actions can be at school, school function, school activity, or school staff property and still fall under zero tolerance policy</p> <p>Remind students that what is covered by the local zero tolerance policy can be found in their student handbook.</p> |
| <p>Slide 5: Where do I find school discipline policies?</p> <ul style="list-style-type: none"> Student Code of Conduct Student Handbook | <p>Explain where students can find these documents. If possible, hand out copies.</p> |
| <p>Slide 6: How can the school discipline me?</p> <p>Give other examples of less severe punishments that are used in your school.</p> <p>Corporal Punishment: physical force, such as paddling. Cannot be excessive. School district must have a policy allowing it.</p> <p>In-School Suspension: The Student can't go to their usual classes and activities but is placed in an alternative program for up to 10 days.</p> <p>Out-of-School Suspension: The Student can't go to any classes or school activities except as authorized by school officials for up to 10 days.</p> <p>Expulsion: For a period longer than 10 days, the student is prohibited from attending a public school. They may be enrolled in other educational services, such as a disciplinary program or second chance school. Expulsions cannot last more than the remainder of the term or school year and one additional year.</p> <p>Alternative Placement: Student is removed from the school for an offense, not expelled, and placed in an alternative educational setting. This is often the functional equivalent to an expulsion (for example the student is reassigned to an alternative school, virtual school or homeschool) in which case it comes with the same due process rights as an expulsion.</p> | |

Slide 7: Is it school discipline or is it a crime?

Many students will see that this presentation title and assume “I’m a good kid. This does not apply to me.” It is important for the students to realize that even small “normal teenager stuff” can warrant a school to bring police into the situation. What they may think is a discipline issue at the school, may in fact be a police issue.

- Juuls: It is a crime in Florida to give nicotine products to minors. If caught with nicotine products, minors can be punished with community service and a fine.
- Drugs: If caught with drugs, including marijuana, you can be arrested.
- Fighting: Assault, battery, and disorderly conduct are the most common reasons students are arrested at school.
- Sexting: Sending or receiving photos of anyone under 18, including yourself, is a crime in FL. The first offense is treated as a civil offense, with a fine. The third offense becomes a felony.

Slide 8: Your Rights in Discipline

- You have a right to view your discipline records
- You have a right to privacy – the school must have your or your parent’s consent to share your records
- You have a right to a fair discipline process
- You have a right to notice
- You have a right to a hearing

If you are expelled, you have a right to appeal the decision

Slide 9: Due Process

- If you are suspended or expelled, you have rights.
- The school officials should:
 - Tell you what you are accused of doing
 - Tell you what your punishment will be
 - Give you a chance to tell your side of the story

Due Process: Due process means that the school can’t take away your rights, like the right to go to school, without a fair process to determine that you actually broke a school rule. The more extreme the discipline, the more in-depth the process must be. Such procedures include:

- Telling you exactly what you are accused of doing wrong.
- Telling you exactly what the punishment will be.
- Giving you a chance to tell your side of the story before punishing you.

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| <p>Slide 10: Students with Disabilities</p> <p>You have a right to a Manifestation Determination Hearing</p> | <p>Students with disabilities are afforded additional protections under state and federal law. This is because the law recognizes that behavior may be a result of disability or the school's failure to address the student's needs.</p> <p>If you have an individualized educational plan (IEP) and are removed from your current education placement, as specified in your IEP, for more than 10 school days, it is considered a change in placement and additional requirements apply, including the right to a manifestation determination hearing.</p> <p>A manifestation determination hearing determines whether conduct was caused by, or substantially related to, a disability or the direct result of the school district's failure to implement an IEP. If the team determines that the behavior met either of these, the district must create or modify the student's behavioral intervention plan. If the team determines that they don't apply, the school may discipline the student like they would anyone else, except that they must continue to receive educational services even if you are suspended or expelled.</p> <p>See page 18 of the Handbook.</p> |
| <p>Slide 11: Protect Your Rights with School Officials</p> <ul style="list-style-type: none"> • Stay calm • Anything you say can be used against you in a discipline or criminal case. • You can be disciplined for not answering the school official's questions. • What about SROs? | <p>See page 15 of the Handbook.</p> <p>Students can ask for their parent or an attorney before answering questions, but they do not have a right to one when being questioned by school officials. If students choose not to answer questions, they can be disciplined.</p> <p>SROs are police officers, and not usually considered school officials, so they should follow the rules for police, which means you would have the right to remain silent.</p> |
| <p>Slide 12: Summary</p> <ul style="list-style-type: none"> ▪ You have rights in the school discipline process ▪ The big rights are notice, appeal, and hearings ▪ Students with disabilities have the right to a Manifestation Determination Hearing ▪ Zero tolerance policies can tie the hands of school officials | <p>The due process rights in the school discipline process are less than those in a criminal case. The process has to be essentially fair.</p> |
| <p>Slide 13: Contact Information</p> <p>Slide 14: Conclusion</p> | |

SCHOOL DISCIPLINE ASSESSMENT

Take a look at these questions and see what you already know about your rights. You might surprise yourself!

1. Students can learn what they can be disciplined for by consulting:
 - a. The school's website
 - b. Student Handbook or Code of Conduct
 - c. A Social Studies textbook
 - d. A School Resource Officer

2. Circle the rights you have in the school discipline process:
 - a. To see your discipline records
 - b. To have a hearing
 - c. To appeal a suspension
 - d. To appeal an expulsion

3. Florida requires each district school board to adopt a _____ policy that includes mandatory expulsions of at least one year for having a firearm or weapon at school or any school function, even the bus.
 - a. No Excuses
 - b. No Nonsense
 - c. Zero Tolerance
 - d. Golden Rule

4. Mary was suspended for having marijuana at school. Can she be arrested?

5. Principal Skinner tells Mary's parents she can't come back to the school. Do they have the right to appeal this decision?

6. Mike got in a fight at the local pizza parlor and was arrested. Can the school expel him?

Julie has been texting Jane threatening to beat her up her because she saw her flirting with her boyfriend. Jane brought a knife to school in her backpack because she was afraid. For 7 - 10, choose the correct answer:

7. The school can / must expel Julie for a year and refer her to law enforcement.
8. The school can / must expel Jane for a year and refer her to law enforcement.
9. Julie can / cannot be arrested.
10. Jane can / cannot be arrested.

ANSWER KEY: SCHOOL DISCIPLINE ASSESSMENT

1. Students can learn what they can be disciplined for by consulting:
 - a. Student Handbook or Code of Conduct
2. Circle the rights you have in the school discipline process:
 - a. **To see your discipline records**
 - b. **To have a hearing**
 - c. To appeal a suspension
 - d. **To appeal an expulsion**
3. Florida requires each district school board to adopt a _____ policy that includes mandatory expulsions of at least one year for having a firearm or weapon at school or any school function, even the bus.
 - a. Zero Tolerance
4. Mary was suspended for having marijuana at school. Can she be arrested?
Yes. *You can be arrested for school behavior that constitutes a crime.*
5. Principal Skinner tells Mary's parents she can't come back to the school. Do they have the right to appeal this decision?
Yes, *You have a right to appeal expulsions.*
6. Mike got in a fight at the local pizza parlor and was arrested. Can the school expel him?
No. *You cannot be disciplined for off-campus behavior unless it disrupts school.*

Julie has been texting Jane threatening to beat her up because she saw her flirting with her boyfriend. Jane brought a knife to school in her backpack because she was afraid. For 7 - 10, choose the correct answer:

7. The school **can** / must expel Julie for a year and refer her to law enforcement.
Threatening a classmate off campus can be a disruption to school that can be disciplined.
8. The school can / **must** expel Jane for a year and refer her to law enforcement.
Bringing a weapon to school is a zero-tolerance offense.
9. Julie **can** / cannot be arrested.
Threatening someone is a crime called Assault.
Jane **can** / cannot be arrested.
Bringing a weapon to school is a crime.

POLICE INTERACTIONS MODULE

OVERVIEW

This module presents youth rights in police interactions. It is best used as a follow-up to Module 1 or with students who have a basic understanding of the balance between student rights and school authority. **This aligns with pages 22-29 of the Handbook.**

DETAILED OUTLINE OF SLIDES

| Slide Description | Notes |
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| Slide 1: Your Rights with Police | These slides are used to open the conversation and discuss the sources for rights, and how they apply to kids during interactions with police. Summarize content from the Intro to Civil Rights Module. |
| Slide 2: What do you think are your rights with police? | Allow students to volunteer personal experiences with police, but do not pressure them. Pretest |
| Slide 3: Constitutional Rights Review Amendments 4 and 5. How does this apply to you when you are stopped by police. | The fourth amendment gives us the freedom to be left alone. We have the right to refuse searches by the government, unless it has probable cause. The fifth amendment limits how the government can prosecute people. It sets minimum requirements for prosecution, prohibits trying someone more than once for the same crime (double jeopardy) and prohibits taking private property for public use. It also requires due process and establishes that a person can't be forced to provide evidence against themselves. Have students discuss when this may come up in their home or in their vehicles. What is probable cause? Explain that, too. |

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| <p>Slide 4: Magic Phrases I want to remain silent (5th) I do not consent to this search (4th) I want an attorney</p> | <p>“I want an attorney.” – Explain to students how this should automatically stop questioning by a police officer or investigator until they have an attorney present. Speaking to an officer or investigator without an attorney carries risks. You do not know what the police officer is looking to hear. There have been many false confession cases where the police officers promised someone they could go home if they just said they did this one thing. Police officers are allowed to lie to you. An attorney can help you navigate these instances. Use your right.</p> <p>“I want to remain silent.” – Explain to students our Fifth Amendment Right against self-incrimination. This is why we have the right to remain silent. From speaking with the cops to testifying in a court room, we always have this right. Bringing up popular pop culture references of “pleading the fifth” may help students better understand what you mean. Again, the risks run the same as above.</p> <p>“I do not consent to this search.” – Many times police will ask you if you consent to them searching your car or vehicle. Do not consent to searches without a warrant or probable cause. This is again important for the same reasons above. You may think you have nothing to hide, but you do not know what the police are looking for.</p> <p>It is important to reiterate to students that asking to exercise their constitutional rights does not make them look guilty or disrespectful. We have these rights and they are important to use.</p> |
| <p>Slide 5: How are police different from school staff?</p> <p>See chart.</p> | <p>Discuss the fact that this is all there is. SRO’s are police officers. Not school officials.</p> <p>You can be disciplined for not answering school staff, but not police officers.</p> <p>School staff can search you if they have reasonable suspicion, but police need probable cause to search you.</p> <p>Probable Cause: The U.S. Constitution’s Fourth Amendment requires there to be probable cause to search people and their property. The term is fluid and depends on context, but generally means there is a fair probability that a search will result in evidence of a crime.</p> <p>Reasonable Suspicion: Reasonable suspicion requires only that school officials reasonably suspect that the search will turn up evidence of a violation of law or school policy. This is a much lower level of suspicion than probable cause.</p> |

Recommendation: Pause for roleplaying, theoretical Q&A from handbook or video.

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| <p>Slide 6: Fact or Myth:</p> <ul style="list-style-type: none"> ▪ Police officers can lie to you ▪ Police officers do not have to call your parents before questioning you ▪ School resource officers are the same as police officers ▪ Anything you say can be used against you in criminal court ▪ Police cars and interrogation rooms often have video cameras or recording devices. ▪ It is legal to record police. | <p>These are all facts. For recording police, stress that they can be arrested if the officer feels they are interfering with their ability to do their job. It is best to keep at a distance.</p> |
| <p>Slide 7: Tips for interacting with police</p> <ol style="list-style-type: none"> 1. Stay calm. Keep your hands where they can be seen. Do not run, resist, or try to stop the police. 2. Calmly ask if you are free to leave. If they say yes, silently do so. If you are not free to go, then you are in custody. 3. If asked, tell the officer your name. You have the right to remain silent. To use this right: Say, "I want to remain silent." 4. If the police ask to search you or your belongings: Say, "No, I do not consent." 5. If you are arrested, you have a right to an attorney. To use this right: Say, "I want an attorney." | |
| <p>Slide 8: Be Prepared:</p> <ul style="list-style-type: none"> • Officers may search you or your belongings even if you do not consent. • Officers may try to continue to question you or have someone else question you, even after you've revoked your right to remain silent. • Police officers may disagree with your understanding of your rights. • Saying these phrases may not resolve the interaction, but it will preserve your rights in case you end up in court. | <ul style="list-style-type: none"> • If the officer continues attempting to speak with you after you have revoked your right to remain silent or to speak with an attorney, continue calmly repeating the "magic word" phrases. • Police officers may disagree with your understanding of your rights. Saying these phrases may not resolve the interaction, but it will preserve your rights in case you end up in court. • It is best to stay silent, even if you believe you haven't done anything wrong. • Do not sign anything without an attorney or your parents. |

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| <p>Slide 9: Practice the Magic Words</p> <p>"I want an attorney."</p> <p>"I want to remain silent."</p> <p>"I do not consent to this search."</p> | <p>Have kids stand and practice saying each phrase out loud a few times. Encourage them to practice on their own. In the moment, they may panic and being used to saying them will make it easier to assert their rights:</p> |
| <p>Slide 10: I was Arrested, Now What?</p> <ul style="list-style-type: none"> ▪ Diversion <ul style="list-style-type: none"> ▪ Pre-Arrest: No court hearings or record, so long as you complete tasks. ▪ Post-Arrest: Record expunged, if you complete tasks. ▪ Expungement of Arrest and Conviction Records <ul style="list-style-type: none"> ▪ Automatically at 21 for most offenses, but age 26 for some offenses. ▪ You can apply for "early expungement" ▪ Your juvenile record will merge with your adult record and not be expunged in certain situations. | <p>Diversion - Florida law requires every state attorney to offer a pre-arrest diversion program for juveniles. This essentially allows you and the state to skip the court process and go straight to interventions and any sanctions. If you fulfill the program, there is no arrest record.</p> <p>In most parts of Florida, it is up to officer discretion whether to arrest you or give you a citation or referral to pre-arrest diversion. Once arrested, you may be eligible for a local post-arrest diversion program that is similar.</p> <p>Expungement – Juvenile records stay until you are at least 21 unless you apply for early expungement.</p> <p>Early expungement - If you've not been charged with a crime for 5 years, you can apply for an early expungement. There is a fee and the prosecuting state attorney has to agree. Visit the Florida Department of Law Enforcement, www.fdle.state.fl.us/Seal-and-Expunge-Process, to learn more.</p> <p>Juvenile record merge with adult record –</p> <ul style="list-style-type: none"> • You are charged as an adult before you turn 18 for a felony involving the use or threat of physical force or violence against anyone. This includes such crimes as robbery, burglary, arson, and aggravated assault & battery. • If, once you turn 18, you are charged with a felony involving the use or threat of physical force or violence against anyone. |
| <p>Slide 12: Contact Information</p> <p>Slide 13: Conclusion</p> | <p>Use these slides to summarize the presentation</p> |

POLICE INTERACTIONS ASSESSMENT

Take a look at these questions, and see what you already know about your rights with police. You might surprise yourself!

1. When dealing with police, teens have the right to
 - a. Not answer questions
 - b. Not comply with searches
 - c. Not be lied to
 - d. All of the above

2. The Fifth Amendment prevents the government from:
 - a. Prosecuting people twice for the same crime.
 - b. Forcing people to confess to crimes.
 - c. Punishing someone without due process.
 - d. All of the above.

3. Which one of these phrases will be least likely to help you with police?
 - a. "I know my rights."
 - b. "I want an attorney."
 - c. "I do not consent to this search."
 - d. "I want to remain silent."

4. The police have to call my parents before questioning me about a crime?
True False

5. Officers may search me or my belongings even if I do not consent.
True False

6. I can film police, as long as I don't interfere with them doing their job.
True False

7. I can't be charged with a crime for sending a nude photo to my partner.
True False

8. If an 18-year-old shares a Juul with younger friends, they can be charged with a crime.
True False

9. Juvenile records are wiped clean at age 18.
True False

10. I can avoid an arrest record by completing a diversion program.
True False

ANSWER KEY: POLICE INTERACTIONS ASSESSMENT

1. When dealing with police, teens have the right to
 - a. **Not answer questions**
 - b. Not comply with searches – *You have the right to not consent to searches, but police may search you anyway. Not consenting can help you in a court case.*
 - c. Not be lied to – *Police can lie to you.*
2. The Fifth Amendment prevents the government from:
 - a. All of the above.
3. Which one of these phrases will be least likely to help you with police?
 - a. "I know my rights."
4. The police have to call my parents before questioning me about a crime?

False. *Police only have to call your parents after they arrest you so your parents know where you are. If you ask to talk to your parents before you answer their questions, they are supposed to stop questioning you.*

5. Officers may search me or my belongings even if I do not consent.

True. *You have the right to not consent to searches, but police may search you anyway. Not consenting can help you in a court case.*

6. I can film police, as long as I don't interfere with them doing their job.

True.

7. I can't be charged with a crime for sending a nude photo of myself to my partner.

False. *Sending or receiving nude photos of anyone under 18 is prohibited under Florida law. The first offense is treated as a noncriminal offense, but the youth will get a civil citation and have consequences like community service, a \$60 fine, etc. The second offense is treated as a criminal offense, and the third offense is a felony. If you receive a sext you did not ask for, you can avoid prosecution by telling your parents and not resharing it.*

8. If an 18-year-old shares a Juul with younger friends, they can be charged with a crime.

True. *It is a crime under Florida law to give nicotine products to minors. If minors are caught with nicotine products, they can be punished with community services and fines. The third time a minor is caught, they may lose their right to get a drivers' license. Keep in mind these products are addictive, so quitting after you've been caught may be very difficult.*

9. Juvenile records are wiped clean at age 18.

False. *Juvenile records stay until you are at least 21 unless you apply for early expungement*

10. I can avoid an arrest record by completing a diversion program.

True.

SCOPE & SEQUENCE

| Scope & Sequence: Introduction | |
|---|--|
| Topics Covered | Relevant FL Standards |
| Your Constitutional Rights | S.S.6.C.2 Evaluate the roles, rights, and responsibilities of United States citizens, and determine methods of active participation in society, government, and the political system. |
| Knowing Your Rights <ul style="list-style-type: none"> • Bill of Rights | S.S.7.C.2 Evaluate the roles, rights, and responsibilities of United States citizens, and determine methods of active participation in society, government, and the political system. |
| First Amendment <ul style="list-style-type: none"> • 1st Amend. at School | SS.7.C.2.4 Evaluate rights contained in the Bill of Rights and other amendments to the Constitution SS.7.C.2.5 Distinguish how the Constitution safeguards and limits individual rights SS.7.C.3.6 Evaluate Constitutional rights and their impact on individuals and society |
| Fourth Amendment <ul style="list-style-type: none"> • 4th Amend. at School | SS.7.C.3.12 Evaluate the roles, rights, and responsibilities of United States citizens, and determine methods of active participation in society, government, and the political system. SS.8.C.1.5 Apply the rights and principles contained in the Constitution and Bill of Rights to the lives of citizens today. |
| Fifth Amendment <ul style="list-style-type: none"> • 5th Amend. at School | SS.912.C.1.5 Evaluate how the Constitution and its amendments reflect the political principles of rule of law, checks and balances, separation of powers, republicanism, democracy, and federalism. SS.912.C.2.2 Evaluate the importance of political participation and civic participation. |
| Rights for Students with Disabilities | SS.912.C.2.3 Experience the responsibilities of citizens at the local, state, or federal levels. SS.912.C.2.6 Evaluate, take, and defend positions about rights protected by the Constitution and Bill of Rights. SS.912.C.2.7 Explain why rights have limits and are not absolute. |
| Immigrant Rights | SS.912.C.2.8 Analyze the impact of citizen participation as a means of achieving political and social change. SS.912.C.3.10 Evaluate the significance and outcomes of landmark Supreme Court cases. |
| Rights for LGBTQ Students | SS.912.C.3.11 Contrast how the Constitution safeguards and limits individual rights SS.912.C.3.13 Illustrate examples of how government affects the daily lives of citizens at the local, state, and national levels. |
| Rights concerning Pregnancy & Sexual Health | SS.9.C.3.14 Examine constitutional powers (express, implied, concurrent, reserved). |
| Protect your Rights | SS.9.C.3.15 Examine how power and responsibility are distributed, shared, and limited by the Constitution. |
| Conclusion | |

Scope & Sequence: School Discipline

| Topics Covered | Relevant FL Standards | |
|--|---|---|
| <p>When can the school discipline me?</p> <ul style="list-style-type: none"> Review constitutionally protected rights <p>Rules & Consequences</p> <ul style="list-style-type: none"> Identify sources of rules and the reach of school discipline for off-campus behavior <p>Zero Tolerance Policies</p> <ul style="list-style-type: none"> Identify legal and local policies requiring expulsion and arrest <p>Where do I find school discipline polices</p> <p>Forms of school discipline</p> <p>Identifying when school behavior is a crime with legal consequences</p> <p>Identifying student rights in school discipline, including due process and rights for students with disabilities</p> <p>Protecting Rights with School Officials</p> <p>Conclusion</p> | <p>S.S.6.C.2</p> <p>S.S.7.C.2</p> <p>SS.7.C.2.4</p> <p>SS.7.C.2.5</p> <p>SS.7.C.3.6</p> <p>SS.7.C.3.12</p> <p>SS.8.C.1.5</p> <p>SS.912.C.1.5</p> <p>SS.912.C.2.2</p> <p>SS.912.C.2.3</p> <p>SS.912.C.2.6</p> <p>SS.912.C.2.7</p> <p>SS.912.C.2.8</p> <p>SS.912.C.3.10</p> <p>SS.912.C.3.11</p> <p>SS.912.C.3.13</p> <p>SS.9.C.3.14</p> <p>SS.9.C.3.15</p> | <p>Evaluate the roles, rights, and responsibilities of United States citizens, and determine methods of active participation in society, government, and the political system.</p> <p>Evaluate the roles, rights, and responsibilities of United States citizens, and determine methods of active participation in society, government, and the political system.</p> <p>Evaluate rights contained in the Bill of Rights and other amendments to the Constitution</p> <p>Distinguish how the Constitution safeguards and limits individual rights</p> <p>Evaluate Constitutional rights and their impact on individuals and society</p> <p>Evaluate the roles, rights, and responsibilities of United States citizens, and determine methods of active participation in society, government, and the political system.</p> <p>Apply the rights and principles contained in the Constitution and Bill of Rights to the lives of citizens today.</p> <p>Evaluate how the Constitution and its amendments reflect the political principles of rule of law, checks and balances, separation of powers, republicanism, democracy, and federalism.</p> <p>Evaluate the importance of political participation and civic participation.</p> <p>Experience the responsibilities of citizens at the local, state, or federal levels.</p> <p>Evaluate, take, and defend positions about rights protected by the Constitution and Bill of Rights.</p> <p>Explain why rights have limits and are not absolute.</p> <p>Analyze the impact of citizen participation as a means of achieving political and social change.</p> <p>Evaluate the significance and outcomes of landmark Supreme Court cases.</p> <p>Contrast how the Constitution safeguards and limits individual rights</p> <p>Illustrate examples of how government affects the daily lives of citizens at the local, state, and national levels.</p> <p>Examine constitutional powers (express, implied, concurrent, reserved).</p> <p>Examine how power and responsibility are distributed, shared, and limited by the Constitution.</p> |

| Scope & Sequence: Police Interactions | | |
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| Topics Covered | Relevant FL Standards | |
| Identifying rights at play in interactions with police. | S.S.6.C.2 | Evaluate the roles, rights, and responsibilities of United States citizens, and determine methods of active participation in society, government, and the political system. |
| Identifying the source of such rights (constitutional amendments) | S.S.7.C.2 | Evaluate the roles, rights, and responsibilities of United States citizens, and determine methods of active participation in society, government, and the political system. |
| | SS.7.C.2.4 | Evaluate rights contained in the Bill of Rights and other amendments to the Constitution |
| Learning how to assert such rights through key “magic” phrases | SS.7.C.2.5 | Distinguish how the Constitution safeguards and limits individual rights |
| | SS.7.C.3.6 | Evaluate Constitutional rights and their impact on individuals and society |
| The difference between police and school officials as to such rights | SS.7.C.3.12 | Evaluate the roles, rights, and responsibilities of United States citizens, and determine methods of active participation in society, government, and the political system. |
| | SS.8.C.1.5 | Apply the rights and principles contained in the Constitution and Bill of Rights to the lives of citizens today. |
| Exploring facts and myths about police interactions to enhance ability to protect rights. | SS.912.C.1.5 | Evaluate how the Constitution and its amendments reflect the political principles of rule of law, checks and balances, separation of powers, republicanism, democracy, and federalism. |
| | SS.912.C.2.2 | Evaluate the importance of political participation and civic participation. |
| Protect your rights with police | SS.912.C.2.3 | Experience the responsibilities of citizens at the local, state, or federal levels. |
| After an arrest: Diversion and expungement | SS.912.C.2.6 | Evaluate, take, and defend positions about rights protected by the Constitution and Bill of Rights. |
| | SS.912.C.2.7 | Explain why rights have limits and are not absolute. |
| Conclusion | SS.912.C.2.8 | Analyze the impact of citizen participation as a means of achieving political and social change. |
| | SS.912.C.3.10 | Evaluate the significance and outcomes of landmark Supreme Court cases. |
| | SS.912.C.3.11 | Contrast how the Constitution safeguards and limits individual rights |
| | SS.912.C.3.13 | Illustrate examples of how government affects the daily lives of citizens at the local, state, and national levels. |
| | SS.9.C.3.14 | Examine constitutional powers (express, implied, concurrent, reserved). |
| | SS.9.C.3.15 | Examine how power and responsibility are distributed, shared, and limited by the Constitution. |