

# KNOW YOUR RIGHTS!

## A Guide for Public School Students in Mississippi.



- ✓ Freedom of expression!
- ✓ Freedom of religion!
- ✓ Privacy rights!
- ✓ The right to a healthy body!
- ✓ Your right to due process!
- ✓ Equal legal protection!
- ✓ The right to a free, quality education!
- ✓ How to take action!
- ✓ Learn your Human Rights!
- ✓ Phone numbers, websites and email addresses for important organizations and offices in Mississippi that can help you protect your rights!

A Know Your Rights manual for public school students  
produced by the American Civil Liberties Union of Mississippi.





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# Chapter 1: YOUR RIGHTS TO AN EDUCATION and A DISCIPLINARY HEARING

## I. Do I have the right to a free public education?

Yes, all children in the state of Mississippi have the right to attend public school free of charge. In addition to U.S. citizens, the right to a free public education belongs to all children who live in the United States, including undocumented persons and students who have physical and mental disabilities. This right cannot be denied to you unless you engage in serious misbehavior, which prevents other students from exercising their right to receive an education, and you have received a disciplinary hearing.

## II. Who runs the public schools?

The school board develops the policies for the schools within each school district. In some counties, school board members and the Superintendent are elected by the people; in some counties, they are appointed. It is the responsibility of the Superintendent to implement, or place into action, these policies and pass them down to the principals of the schools, who then implement policies within their schools. If there are school policies that you'd like to change or add to, you can write to your school board members or go to your local school board meeting to make recommendations. The requirements to be placed on the agenda of a school board meeting vary from county to county, therefore check your Superintendent's office for more details.



**Every student has legal rights that help protect his or her freedom. If you're a student, this manual will help you learn what your rights are and how to protect them.**

## III. Who is required to attend school?

All children between the ages of 6 to 18 are required, by law, to attend school. You can be charged with truancy in Youth Court for failing to attend school. You can be charged with truancy in Youth Court for failing to attend school. You can attend public school up to the age of 21 if you've been held back or if you have special needs.

## IV. Can the school charge me for books, materials, and extra-curricular activities?

No, your school cannot charge you for textbooks related to your coursework. However, the school can charge fees or require the purchase of other materials associated with your classes, such as lab instruments, books, and school supplies. Your school may also charge fees for extra-curricular activities such as field trips and sports events. Students who are unable to afford these materials cannot be denied or deprived access to the same education as other other students.

If you'd like to find out how your school spends its money, you can get a copy of your school district budget from your superintendent's office. The school district budget is public information and is approved by the school board each year. It is important to attend school board meetings to find out how money is being spent in your district.

## V. Does the school have to provide for special educational needs?

Yes, state and federal law entitle students with disabilities to a free and appropriate public education. Remember, special education is not just a class, it's an array of services that are available for students with both physical and emotional disabilities. Emotional disabilities include depression, psychosis, attention hyper-activity deficit disorder (ADHD), and bi-polarism. After a medical diagnosis is made, students have the right to access special education services that the school district provides. Most school districts will also perform an evaluation to determine the student's needs.

## VI. What are my educational rights in alternative school, the detention center, the training school and/or jail?

If you are under the age of 18, you have the same rights to an education in alternative schools, detention centers and training schools; although, you will only get basic course requirements without electives such as foreign languages and P.E. If you are incarcerated in a temporary adult holding facility while awaiting trial, you will not receive an education. If you are sentenced before your 18th birthday, you will be sent to a facility that will allow you to continue your education.

## VII. What kind of discipline is allowed in school?

The Mississippi Department of Education allows school districts to develop their own disciplinary policies. Schools are allowed to use the following disciplinary procedures: corporal punishment (hitting students on the buttocks with a paddle), I.S.S. (In School Suspension), suspension (out of school), and expulsion (suspended for the remainder of the school year). If your principal recommends a suspension of 10 days or more or an expulsion, you have the right to a due process hearing. This hearing will enable you and your parent(s) a second chance to plead your case with representatives from your school and the school district.

Check your student handbook for the discipline policy for your school. The handbook is supposed to be approved by the school board at the beginning of each school year. If there are things in your handbook that you don't agree with or things that you'd like to add, you can submit changes to the school board for consideration.

## VIII. What are my rights if I am arrested at school?

If you are arrested at school, you have the same due process rights to a trial and Miranda rights that you would have anywhere else. As a minor, you have the rights to contact your parents immediately after your arrest! You also have the right to remain silent, even if the police make threats against you for not speaking or promises of leniency if you speak. Wait until your parent(s) and your attorney are with you and can advise you before you make a statement to the police.

**REMEMBER** that everything you say can be used as evidence against you in court, even if you are innocent. Teachers, school administrators, and school security guards are state employees that will repeat information that you give them to the police.



**Students are advised to treat all questioning or disciplinary interaction with school administrators or school security as a serious matter with potentially criminal consequences, even if you are accused of a school violation only or questioned as a witness. Students should always consult with parents and request to have parents present before making either verbal or written statements.**

## **Chapter 2: YOUR PRIVACY RIGHTS IN SCHOOLS and SEARCH AND SEIZURE**

The Mississippi State Constitution and Fourth Amendment of the Bill of Rights states that:

*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.*

### **I. Does a public school official need a search warrant to search my person, my backpack or purse, or my locker?**

No, school officials do not need a search warrant or probable cause to search you or your property because your individual rights may be limited in order to protect the public safety of all students. But the Supreme Court has stated that any searches must be reasonable, a lower standard than probable cause required for the police, and must take into account all the circumstances for suspecting that the search will produce contraband or evidence of illegal activity. A search of your person or your property cannot be excessively intrusive in light of your age, gender, and the nature of the alleged offense. For instance, a strip search by school officials is generally regarded as too intrusive to be allowed under the law.

If a police officer comes to your school, he or she must have probable cause or a search warrant to search you. On the other hand, if a police officer is employed by your school for security purposes, it is unclear whether he or she must meet the probable cause standard to search students or if he or she can search with reasonable suspicion alone.

### **II. What happens if I consent to a search?**

If a school official or police officer asks you for your permission to search you or your property, you have the right to refuse by saying, "I do NOT consent to a search." If they search you despite your refusal, do not physically resist. If they find incriminating evidence on you, the

### **III. Can school officials use metal detectors and/or sniff dogs to search my person or my property?**

Yes, among other strategies, schools can use metal detectors as part of their comprehensive school safety plan to protect and maintain a proper educational environment for all students. Metal detectors are generally believed to meet the reasonable standard for searches, be minimally intrusive, and treat all the students the same without singling out any individual. Yet, the ACLU of Mississippi believes that searches must be based on individualized suspicion.

The use of drug-sniffing dogs is not considered a search under the Fourth Amendment because the only information that can be revealed is the presence of contraband. Yet, the ACLU of Northern California successfully settled a challenge to school policies that required all students to leave their belongings in a classroom while dogs sniffed them. Therefore, searches by drug-sniffing dogs under some circumstances, in particular in random searches, may be illegal.

### **IV. Are my locker and its contents my private property?**

The law is unclear. School officials are not supposed to search your locker unless they have a reasonable suspicion that there is evidence of activities that are against the law or against school rules. Yet, drug-sniffing dogs are allowed to sniff students' lockers. Therefore, it is advisable to avoid engaging in unlawful activity and to avoid keeping anything in your locker that you do not want school officials or police to see.

## V. Am I required to submit to a drug test in a school setting?

Yes, if you participate in school athletics or extracurricular activities, the Supreme Court has ruled that you can be required to drug testing, even if there if school officials do not meet the lower standard of reasonable suspicion. The Court found that testing a student's urine, also called a urinalysis, is not intrusive and the school has an interest in preventing drug use among students, especially those that represent the school, and a responsibility to protect their health and well being.

## Chapter 3: FREEDOM OF EXPRESSION

The First Amendment of the Bill of Rights states that:

*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.*

### I. Do I have free speech rights in a public school?

Yes, freedom of speech is guaranteed by the First Amendment of the United States Constitution, the Mississippi Constitution, and has been upheld by Supreme Court cases that extend freedom of speech to students in school.

Despite significant exceptions for “time, place, and manner” restrictions by school officials, your school cannot discipline you for expressing an idea or political viewpoint in class or during school activities, as long as you do not disrupt the educational activity. However, Mississippi school principles and superintendents have the discretion to define “disruption” as anything that does not suit their tastes.

### II. Can my public school make me recite the pledge of allegiance?

No, under the First Amendment, you also have the right not to speak and a public school cannot force you to recite the pledge of allegiance. Some schools may still allow time to recite the pledge at the beginning of the school day. Mississippi law requires that teachers lead their students in the pledge of allegiance at least once a month but students have the right to refrain from participating, making their participation optional.



### Express yourself!

**The First Amendment of the United States constitution protects *your* right to express yourself. Wear your political opinion on your T-shirt. Organize a rally to protest (or celebrate) something in your community. Write a blog for the whole world to read. Speak out! It's your First Amendment right.**

### III. Are school dress codes legal?

Yes, generally a dress code is legal only if it is carefully written to promote goals like health, safety, and “classroom decorum.” These dress codes are found in student handbooks. Many dress code regulations are developed in an effort to keep students’ safe; however, some dress codes conflict with your freedom of expression. For instance, some schools prohibit T-shirts with “political messages” while allowing T-shirts with certain religious messages.



### IV. Can school uniform policies be mandatory for all students?

Not always, Mississippi law allows school districts to require uniforms but they must have an “opt out” policy that allows families to opt out of wearing uniforms for religious purposes. In addition, districts must make allowances for families who cannot afford uniforms in order to keep their students in school. Some schools will purchase uniforms for students whose families can not afford them.

**Under the First Amendment, you also have the right not to speak and a public school cannot force you to recite the pledge of allegiance.**

Some school districts will “test” uniform policies by allowing students to “volunteer” to wear uniforms before making the policy mandatory.

### V. Can the school censor library books or remove books from reading lists?

The law is unclear. Although the ACLU considers book or internet censorship in the schools a serious violation of students’ and teachers’ rights, the law itself rests on specific facts related to a school official’s reason for restricting or removing books.

The U.S. Supreme Court does not allow a school to remove books from school library shelves because they dislike them. According to the Supreme Court’s interpretation, the First Amendment includes the “right to receive ideas.” Especially in the context of a school library, where “a student can literally explore the unknown.”

However, schools have the discretion to select the books and materials that go into a school library, textbooks for the curriculum or material on a required reading list. But, once in the library, an authorized school official can only remove a book by following certain due process procedures if it is pervasively vulgar or if it is not educationally suitable.

### VI. Can the school censor use and content of the internet at school?

The use of filters on school library computers is another unclear area of the law. However, schools that use filters on library computers to keep out content that minors have a legal right to access—for example, websites for gay and lesbian teens or websites about contraception, abortion or the prevention of sexually transmitted diseases- may be open to a constitutional challenge.



**You have the right to start a club. If your school allows non-curricular clubs, you have a right to start your own non-curricular club.**

### VII. Can I start a student club at school?

Yes, local school districts have different policies on how to start a club at school; however, under the federal Equal Access Act of 1984, secondary school student groups may not be denied access to school facilities for meetings if the public school allows “non-curriculum related” groups to meet on school property before or after school during non-instructional time. On college campuses, students can form groups on campus, but have to follow various administrative procedures to be recognized by the school as an official “campus club”. If the club or group is not an official campus club, the university may charge a fee for the use of meeting space. Additionally, school and government personnel can attend club meetings, but they may not participate in or endorse activities of religious clubs.

### VIII. Can school officials censor our student newspaper?

Yes, many “time, place, and manner” restrictions may apply to student newspapers, yearbooks, literary magazines, and on-campus videos and radio broadcasts. The school can ban publication of material it considers to substantially interfere with schoolwork or that might intrude on the rights of other students.

The principal can control and censor a publication as long as her actions are “reasonably related to legitimate pedagogical [education] concerns” because the school is considered to be the actual publisher of the newspaper.

Your school cannot control student publications that are not sponsored or funded by the school, not done as part of a class or school project, or that are done on your own time with your own resources.

## Chapter 4: FREEDOM OF RELIGION

The First Amendment of the Bill of Rights states that:

*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.*

### I. What does religious freedom mean in public school?

Every person, including students, teachers, and administrators, is free to practice their personal religion and express themselves in a religious matter without government interference. At the same time, free speech and free exercise of religion rights cannot override the ban on government endorsement of religion. To put it simply, your religious expression must not disrupt educational activity or result in harassment of other students who do not wish to listen to your message. As government employees, school officials cannot lead prayer, recite biblical scriptures, or otherwise sponsor religious beliefs because they must maintain a separation between the church and the state.

## II. Can I say a prayer in school?

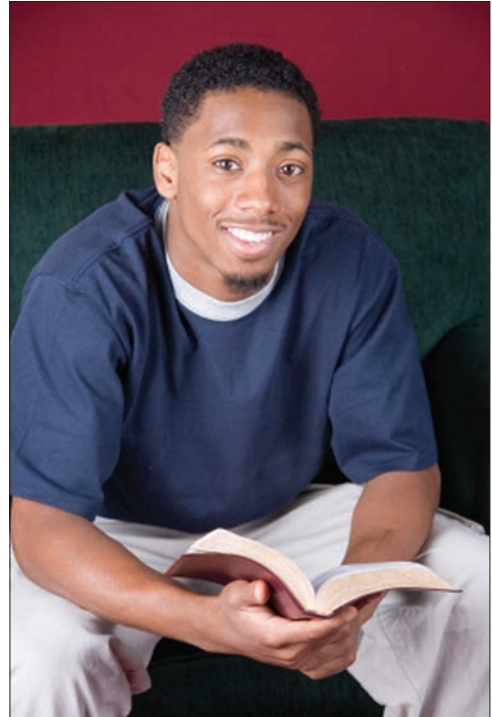
Yes, the First Amendment gives you the right to pray individually or in groups or to discuss religious views with your peers, as long as it does not disrupt an educational activity. Also, you have the right to read a religious book or say a prayer before meals and before tests. In the classroom you have the right to pray quietly, except when you are expected to be engaged in a school activity.

The school schedule may include a moment of silence where a student may choose to pray, meditate, read, or simply remain silent. Schools cannot force students to pray during the moments of silence.

## III. Can the school sponsor or endorse a religious activity?

No, teachers and school officials are representatives of the state and, in that capacity, are prohibited from encouraging or soliciting student religious or anti-religious activity. However, teachers may engage in private religious activity in faculty lounges or alone in their classrooms.

The Establishment Clause of the First Amendment prohibits public schools from imposing prayer or other religious activity on students or from sponsoring religious activity. Following this rule, the Supreme Court has determined that public school personnel may not lead students in prayer or in Bible-reading sessions. A school also may not hold a prayer at a graduation ceremony, even when attendance at the event is voluntary.



**The First Amendment also guarantees your right to religious expression, including religious expression in your school.**

## IV. Can sex education classes be based on religious principles?

No, Mississippi law requires that any course containing sex education offered in the public schools shall include instruction in abstinence education, however public schools cannot include religious beliefs in the instruction or question students about their religious and moral beliefs. The school board may authorize the teaching of sex education without instruction on abstinence by an affirmative vote by the majority of the members.

## V. What are my religious rights if I am being held in a detention center or jail?

Your rights to pray and express your religious beliefs are not compromised when you are incarcerated. Although you are not permitted to leave the premises to attend religious services, you may still practice your religion/beliefs by reading, praying and practicing other forms of private worship. In addition, you cannot be forced to engage in religious ceremonies, meetings, or study groups against your will. You can also purchase religious material that you need in order to practice your faith, including rugs, beads and reading material. There are also programs for special diets available at most correctional facilities. For instance, if you're practicing the Muslim Faith, you can request a diet with "no pork".

## **Chapter 5: EQUAL PROTECTION**

The Fourteenth Amendment of the Bill of Rights states that:

*No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

### **I. Can the school discriminate me on the basis of ethnicity, gender, sexual orientation, religion, or immigration status?**

No, Title VI of the Civil Rights Act of 1964 prohibits school segregation and other discrimination based on “race, color, or national origin.” In addition, Title IX bars discrimination based on gender or sexual orientation and the First Amendment protects freedom of religion.

### **II. Can the school punish me for or prohibit me from being openly gay, lesbian, bi-sexual, or transgender?**

No, the Supreme Court has recognized that gay men and lesbian women have equal rights under the law. In addition, school districts can be liable for student-on-student physical or sexual harassment if the school officials fail to adopt and publish grievance procedures and/or the board is deliberately indifferent to the harassment, depriving the victim of access to the educational opportunities or benefits provided by the school.

For instance, a federal court found that a school cannot prevent a gay student from bringing his male date to the prom because it violated the student’s constitutional rights to freedom of speech and freedom of association.

### **III. Does the school have a responsibility to provide athletic opportunities for women?**

Yes, Title IX requires schools to provide equal athletic opportunities to both male and female students, including selection of sports and levels of competition and access to facilities, equipment, and a coaching staff. A school cannot prevent a woman from playing on a predominately male football team if there is no comparable team for female athletes.

### **IV. Can the school prevent homeless students from attending school?**

No, each State’s educational agency must ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public pre-school education, as provided to other children and youths.

### **V. Can the school deny my admission because I am an immigrant and lack a social security number?**

No, both documented and undocumented immigrants have the right to attend free public schools; therefore students cannot be turned away due to their immigration status. Schools cannot require parents or students to disclose their social security number nor their immigration status. In addition, schools are not allowed to tell outside organizations the immigration status of their students, unless the parents are informed and sign a waiver.

Although the U.S. government has the rights to prevent individuals from entering the United States, once immigrants are here, they are protected from discrimination based on race and national origin. Immigrants have the right to freedom of speech and religion, the right to be treated fairly, and the right to privacy in addition other fundamental rights that U.S. citizens enjoy.

Mississippi has not yet passed a law to grant in-state tuition for undocumented students to attend the State's colleges and universities. Yet, any undocumented student can attend a State college or university if they can afford the out-of-state tuition. A proposed law known as the DREAM Act in the U.S. Congress would provide these students access to college and a path to legalization. To learn more, visit the National Immigration Law Center at [www.nilc.org](http://www.nilc.org)

**VI. Do students who are limited English speakers have a right to be educated in their native language?**

No, federal law requires school districts to provide equal education opportunity to language minority students, meaning that they are not allowed to discriminate on the basis of race, color or national origin. However, schools are not required to teach students in the language they know best, but schools must provide programs for students with limited English proficiency so that they can meaningfully participate in school.

Mississippi does not have policies in place for educating students with limited English proficiency, but the Mississippi Department of Education does give school districts guidelines and information for how to implement programs to serve English language learners.



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**VII. Can I be put in a special education class or be turned away from a gifted/talented program because English is my second language?**

No, schools cannot put students who are learning English in special education classes because they have trouble reading, speaking, or understanding English. In addition, schools cannot prevent English language learners from enrolling in a gifted/talented program because of their language status.

**Chapter 6:  
HEALTH INFORMATION  
and MEDICAL TREATMENT for MINORS**

**I. Can I receive medical treatment and information about birth control without my parents' knowledge or permission?**

Yes, minors can receive certain medical treatment without parental consent. Mississippi law states that a minor can give her/his own consent to receive medical attention, without consulting a parent or guardian, for conditions such as a sexually transmitted disease and substance abuse.

In addition, you have the right to information about birth control, counseling, and contraceptives, including condoms and “the pill”, as part of your constitutionally protected right of personal privacy. Yet access to birth control has become more difficult with the abstinence programs in schools and the limited funding for organizations like Planned Parenthood, whose Mississippi offices are located in Hattiesburg and Gulfport. To find an office near you, call 1-800-230-PLAN

## **II. Do students have the right to learn about birth control, pregnancy, STD’s and abortion at school?**

Not necessarily, Mississippi school curriculums are not required by law to offer courses in sexuality education, including information about birth control or sexually transmitted diseases like HIV/AIDS. Schools are not required to provide condoms, other birth control, or even reading material on sex-related issues.

Yet, through the School Nurse Intervention Program, your school nurse should offer reproductive health education and referrals to prevent teen pregnancy and sexually transmitted diseases.

Many Mississippi schools receive funding from the state and federal government for abstinence only programs. These programs teach students that abstaining from sexual activity until after marriage is the safest form of birth control and the safest way to avoid STD’s. These programs do not provide information on keeping yourself safe if you do decide to have sex but you have the right to seek this information elsewhere.

## **III. Is abortion legal in Mississippi?**

Yes, even though abortion is controversial throughout the U.S., every woman has a constitutional right to choose whether she will carry her pregnancy to term or have an abortion. If you are over 18-years-old, neither your parents nor your boyfriend/husband can prevent you from having an abortion. In addition, neither your parents nor your boyfriend/husband can force you to have an abortion. It is your choice.

If your school has a high rate of teenage pregnancies, the State Department of Health shall establish and implement a Prevention of Teen Pregnancy Pilot Program to provide information about teen pregnancy prevention and sexually transmitted diseases, including syphilis, HIV and AIDS.

In addition, emergency contraception (EC), also known as the morning after pill, which can prevent pregnancy if taken up to five days after unprotected or forced sex, may be available at your local pharmacy. EC is NOT the abortion pill (RU-486); rather EC delays ovulation or prevents fertilization and does not end or effect an established pregnancy. For more information, call 1-888-Not-2-Late

## **IV. Does a minor need parental permission to get an abortion?**

Yes, if you are under the age of 18-years-old and not emancipated from your parents, you cannot get an abortion in the state of Mississippi without parental consent or a judicial waiver. School nurses are prohibited from providing advice or referrals about abortion.

A minor who elects not to seek or does not obtain consent from her parents or legal guardian may petition for a judicial waiver, where a judge could find that you are mature and well-informed enough to make your own decision about having an abortion or that it is in your best interest to have an abortion without parental consent.

## **V. What are my rights to medical care if I am in a detention center, training school, or jail?**

If you are incarcerated, the state has the responsibility to provide basic medical attention to you.

## Chapter 7: YOUR RIGHTS IF YOU ARE STOPPED and/or ARRESTED BY THE POLICE

### I. What should I do if the police stop me at school or on the street?

You always have the right to remain silent if the police begin to question you at school or on the street. Politely ask the officer, “Am I free to leave?” If the officer says “yes”, then leave immediately. If the officer says, “no” then you are in police custody because you are not free to leave. This is a form of arrest, even if the officer fails to inform you.

You can also ask, “Am I under arrest?” If the officer says, “yes,” you have a right to know why. Officers are supposed to read you your Miranda Rights when you are under arrest but even if they fail to do so, you have the right to remain silent and anything you say can and will be used against you in a court of law.

If the officer asks to search your pockets, backpack/purse, car, house, you can always say no politely. If the officer asks why you will not consent to a search, tell the officer that you were advised not to allow them to search you. If you are officially arrested, the police can lawfully search only your person and the areas in your immediate control. If you consent to a search, anything the officer finds can be used against you in a criminal proceeding.

Do not try to talk your way out of police custody, instead ask for an attorney by saying, “I want to speak to an attorney.” Even though it is your right to speak to an attorney, you have to clearly demand it.

### II. What should I do if the police stop me in a car?

If you are stopped in a car and an officer asks for your driver’s license and registration, you must show it to him/her, otherwise, you can be legally arrested for refusing to identify yourself to the police. During a traffic stop, police only need probable cause in order to search your car and do not need a search warrant.

In any encounter with the police, remain calm and act politely. If you overreact, it may give them the probable cause to arrest you and search you. Do not interfere with, or obstruct the police because you can be arrested for it.

If your rights are violated, do not argue with the police or try to convince the officer that he/she does not know the Bill of Rights at the scene of the arrest. Instead, talk to an attorney after the incident and file a complaint with the Internal Affairs Division.

### III. What should I do if the police knock on my door when I am home alone?

In order to search your home, the police must have a valid search warrant with specific details about the person or place to be searched, a judge’s signature, facts detailing probable cause, and it must be sworn and signed by an officer. If they do not present a valid warrant, you do not have to allow them into your home.



Your Miranda Rights state that a person under police custody has:

- (1) the right to remain silent ,
- (2) anything you say can and will be used against you in court,
- (3) the right to consult an attorney and to have your attorney present during questioning, and
- (4) if you cannot afford an attorney, you can ask the court to appoint one for you.

However, in emergency situations, like when a person is screaming for help inside the house or the police are chasing a suspect, officers are allowed to enter and search your home without a warrant.

#### **IV. What rights do I have if I am taken to the police station?**

If you are taken to the police station, reserve your right to remain silent and to speak to an attorney. Do not say anything to the police without an attorney. Do not give any explanations, excuses, or stories about your involvement or innocence. You and your attorney can make your defense in court, where all the evidence can be given equal footing.

Within a reasonable time after your arrest, or booking, you have the right to make a local phone call. You can call an attorney, a bail bondsman, a relative, or any other person. The police cannot listen to your call to your attorney or read legal mail.

#### **V. If I am arrested, will I be tried as a child or an adult?**

“Juvenile,” “minor” or “youthful” means a person who is less than 18 years of age. “Adult” means a person who is 18 years of age or older, or any person convicted of any crime not subject to the provisions of the Youth Court Law, or any person “certified” to be tried as an adult by any youth court in the state.

If a minor who has reached his 13th birthday is found to be a delinquent child, the youth court, may, in its discretion, transfer jurisdiction to the criminal court which would have trial jurisdiction of such offense if committed by an adult. The minor shall be represented by counsel in transfer proceedings.

#### **VI. If I am a minor convicted of a felony in adult court, will I lose any of my rights?**

Yes, you may lose your right to vote for life, to serve on a jury, and to hold public office. A felony conviction may limit where you are allowed to live and work, even after you have served all your jail time and probation. If you are convicted as a sexual offender, then you may have to register with the state for the rest of your life and your name may be posted on a sex offender list available to the public.

## **Chapter 8: YOUR RIGHTS IN YOUTH COURT**

### **I. How does the Youth Court process work? What are my rights in Youth Court?**

The Youth Court system is normally a three step process:

1) Detention 2) Adjudication 3) Disposition

You have a right to an attorney at all critical stages of these processes, including, but is not limited to, hearings, police interrogations, and line-ups. If you cannot afford an attorney, you have the right to have counsel appointed by the youth court.

At all hearings you have the right to present evidence and to subpoena and cross examine witnesses. All hearings are under oath and should be recorded.

### **II. How long can I be detained?**

If you have been accused or adjudicated for a status offense (an act that would not be a crime if committed by an adult) you cannot be held in a juvenile detention facility for more than 24 hours, unless you are an out-of-state runaway waiting to return to your home state. The 24 hours does not include Saturdays, Sundays, or holidays.

The court can hold you up to 48 hours, if they believe that you have committed a delinquent act (an act that would be considered a crime if committed by an adult); and custody is necessary; and there is no reasonable alternative to hold you in a detention facility. If you are in custody, your attorney or someone at the facility should read you your rights while in detention.

If you are arrested and detained, a detention hearing will be held to determine whether you will be returned to the custody of your parent or guardian or if custody is necessary. You will stay in custody if you are in danger or if another person would be endangered by you; to insure your attendance in court; or if your parent, guardian or custodian is not available to care for and supervise you.

### **III. What does adjudication mean?**

Adjudication is the judicial proceeding or decision. The purpose of adjudication is to determine whether you have committed a “delinquent act” (an act which if committed by an adult would be a crime). If you are found to be a “delinquent child” at the close of the hearing, you may be able to appeal the judge’s decision.

### **IV. What about giving a confession or copping a plea?**

You have the right to remain silent. You may also admit to what you have been accused of. However, if you admit to the allegations, you waive your right to a hearing and your right to an appeal. The judge may accept your confession as proof of the allegations if he/she believes you understand that you waive your rights to a hearing and appeal; that you made the confession voluntarily; and that you were effectively represented by your attorney. If your confession is accepted you will be found to be a “delinquent child.” Once you have discussed your case with your attorney,

if you decide to enter a guilty plea, which is an agreement between you and the prosecutor that you will admit your guilt, you will waive your right to a trial, to present a defense, evidence, and witnesses.

### **V. What are the different sentencing options after disposition?**

If you are determined to be delinquent, the third step in the process is the disposition. At this stage the Youth Court decides what happens to you next.

There are several different sentencing options. These options could include going home with no limitations, going home with certain limitations, or going to a training school. There are many other options beyond the ones listed here.

### **VI. What are my rights in the training schools?**

Even if you are a student in a Training School you still have rights. You have the right to attend school. You have the right to medical care, and you have a right to treatment for any emotional problems you might have.

No one at a training school has a right to hurt you in any way. You have the right to file a grievance if you have been treated improperly. You also have a right to legal assistance.

*All the information in Chapter 8 is adapted from the Mississippi Center for Justice handbook entitled “Self Help Handbook for Children, Parents, and Community Leaders”*

## Chapter 9: TAKING ACTION

“To be a student and not be a revolutionary is a contradiction.”  
~Salvador Allende, 1973

### I. How can students demand their rights in school and elsewhere?

Students have more power than they often realize. There are many things that students can do if their school is violating their rights or those of other students. If you do not speak up, you will lose your rights. But it is important to speak up in an organized, responsible, and well-thought-out way. It is up to you, your fellow students, and your community to bring about change in your schools.

#### Here are some ideas to empower yourself and your fellow students:

- Read a copy of your school’s student handbook along with the Bill of Rights. Remember that some injustices are legal, therefore you may have to approach some issues through community organizing rather than the courts.
- Enlist the help of sympathetic teachers and parents to advise you on how to address the injustice or issue you are facing.
- Organize a meeting off-campus, if necessary, to discuss how the school is violating your rights and what changes are needed. Design an action plan, which may include actions such as writing a complaint letter to the school board and school administration, sending a notification letter to parents, and distributing flyers to alert other students to the problem.
- Attend school board meetings, speak at those meetings, meet and lobby your school board members.
- Start a petition drive or letter writing campaign to protest your school’s policies or unfair treatment of students and others. Request a meeting with your principal and bring the petitions or letters to the administration and ask them to respond in writing to the student body’s demands. Share the response with students and the community. If they promise to make changes, create an accountability group that will hold them to their word.
- Write letters to the editors of your local newspapers to raise awareness in the community about the school conditions. Hold a news conference and invite the media to air your grievances about school conditions.
- Contact similar student organizations in neighboring schools to discuss similar violations or ways that they have improved their conditions.
- As soon as you turn 18 years old, register to vote and VOTE. You can organize a voting registration drive at your school to register all your teachers, administrators, classmates, and community members. Be involved in the voting process and/or appointment of your school board members.



**Students have more power than they often realize. It is up to you, your fellow students, and your community to bring about change in your schools.**

## II. How can I file a complaint with the ACLU of Mississippi?

The ACLU of Mississippi is headquartered in Jackson and works in the entire state. Call the ACLU at (601) 355-6464, you can leave a message with your name and mailing address and we will send you a complaint form.

To request a complaint form through the mail, please write to:

**ACLU of Mississippi- Complaint Form Request  
P.O. Box 2242  
Jackson, MS 39225**

You can also read more about our complaint procedures and fill out a form online at [www.msacclu.org](http://www.msacclu.org), look for the "intake form " on the left hand side of the page or visit <http://www.msacclu.org/intake.html> directly.

After we review your complaint, we will notify you whether we can provide direct assistance. If we are not able to assist you, we can often refer you to another organization who may be able to help. Please review the resource guide below for more information.

## Chapter 10: RESOURCE GUIDE

The Declaration of Independence states that:

*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.*

### EDUCATIONAL resources

**1. Mississippi Department of Education**

Dr. Hank M. Bounds, State Superintendent of Education

(601) 359-3513  
<http://www.mde.k12.ms.us/>  
P.O. Box 771  
Jackson, MS 39205  
Fax: (601)359-3242

**2. Mississippi State Board for Community and Junior Colleges Adult Education and GED diploma**

(601) 432-6518  
<http://www.sbcjc.cc.ms.us/programs/>  
3825 Ridgewood Road  
Jackson, MS 39211

**3. Parent Teacher Association (PTA) of Mississippi**

encourages parent and public involvement in the public schools of this nation.

(601) 352-7383 or (800) 795-6123  
[www.mississippipta.org](http://www.mississippipta.org)  
120 North Congress Street  
Jackson, MS 39201

**4. U.S. Department of Education**

Margaret Spellings, U.S. Secretary of Education  
<http://www.ed.gov>

## HEALTH resources

### **1. Center for Disease Control National STD & AIDS**

**Hotlines:** 1-800-342-2437 or 1-800-227-8922

### **2. Emergency Contraception Hotline**

EC can be used up to five days after a condom breaks, after a sexual assault, or any time unprotected sexual intercourse occurs to prevent fertilization. 1-888-not-2-late  
[www.not-2-late.com](http://www.not-2-late.com)

**3. Jackson Women's Health Organization:** State-licensed outpatient facility which specializes in reproductive health care including emotionally supportive abortion care

(601) 366-2261 or 1-800-532-5383  
<http://www.gynpages.com/jwho/>  
2903 North State Street  
Jackson, Mississippi 39216

### **4. Juvenile Rehabilitation Facility for youth with a diagnosis of mental retardation**

(601) 823-5700  
<http://www.jrf.state.ms.us/>  
760 Brookman Drive Ext.  
Brookhaven, MS 39601

### **5. Mississippi Department of Health**

(601) 576-7400  
<http://www.msdh.state.ms.us/>

570 East Woodrow Wilson Drive  
Jackson, MS 39216  
24-Hour Information  
1-866-458-4948

HIV/AIDS Hotline: 1-800-826-2961  
STD Hotline: 1-888-343-7373  
Children's Health Insurance Program (CHIP) 1-800-870-3110

### **6. Mississippi Department of Human Services**

(601) 359-4500 or 1-800-345-6347  
<http://www.mdhs.state.ms.us/>

750 North State Street  
Jackson, MS 39202 Child/Adult Abuse Neglect Hotline  
1-800-222-8000 or (601) 359-4991

Division of Youth Services  
1-800-312-7215 or (601) 359-4972

In Mississippi, there is a youth court in every county of the State where all cases involving juvenile offenders under 18 years of age are heard. The structure of each youth court varies from county to county, often being a family court or perhaps a county court.

### **7. Mississippi Department of Mental Health**

(601) 359-1288  
<http://www.dmh.state.ms.us/>  
1101 Robert E. Lee Bldg.  
239 N. Lamar Street  
Jackson, MS 39201

Help Line: 1-877-210-8513  
Substance Abuse Services  
Child and Youth Mental Health Services

### **8. Mississippi Department of Public Safety, Juvenile Justice**

(601) 987-4157  
3750 I-55 North Frontage Road  
Jackson, Mississippi 39211

### **9. Mississippi Division of Medicaid**

(601) 359-6050  
[http://www.dom.state.ms.us/Home/body\\_index.html](http://www.dom.state.ms.us/Home/body_index.html)  
Robert E. Lee Building, Suite 801  
239 North Lamar Street  
Jackson, MS 39201-1399

**10. Mississippi Coalition against Domestic Violence** The coalition provides technical assistance to domestic violence shelters, community and professional education and other related assistance to victims of domestic violence across the state.

(601) 981-9196 or 1-800-898-3234  
<http://www.mcadv.org>

### **11. Mississippi Coalition for Citizens with Disabilities**

(601) 969-0601 (V/TTY) 800-721-7255  
<http://www.mscoalition.com>  
5 Old River Place, Suite 101  
Jackson, MS 39202

**12. National Council on Alcoholism and Drug Dependence of the Central Mississippi Area, Inc.** NCADD offers information and referral services to children, teenagers, and adults seeking help with alcoholism, other drug dependencies and related problems. A majority of this information is available free of charge.

(601) 899-5880  
<http://www.ncaddcenms.org/services.html>

**13. National Suicide Hotline**

1-800-784-2433  
<http://www.focusas.com/Suicide.html>

**14. Planned Parenthood** provides high quality, affordable reproductive health care and sexual health information to women, men, and teens.

(601) 296-6001  
[www.plannedparenthood.org](http://www.plannedparenthood.org)  
6111 U S Highway 49  
Hattiesburg, MS 39401

(228) 896-9199  
1909 E. Pass Rd., Suite C-8  
Gulfport, MS 39507

**15. Project Inform: Information, Inspiration, and Advocacy for People Living with HIV/AIDS**

(415) 558-8669 or 1-800-822-7422  
<http://www.projectinform.org/org/Regionrsrc/MS.html> (Mississippi resources)  
205 13th Street, #2001  
San Francisco, CA 94103

**16. Rape Abuse and Incest National Network (RAINN)**

1-800-656-HOPE or (202) 544-1034  
<http://www.rainn.org/>  
2000 L Street NW, Suite 406  
Washington, DC 20036

**LEGAL and ADVOCACY resources**

**1. American Civil Liberties Union** of Mississippi (ACLU) works in the courts, in the legislature, and in the public forum - on behalf of people with the special vulnerability of being powerless- to promote and protect civil and constitutional rights.

(601) 355-6464  
[www.msacclu.org](http://www.msacclu.org)  
P.O. Box 2242  
Jackson, MS 39225

**2. Catholic Charities** helps the poor and vulnerable, especially children, women, and families. Services are provided for all people regardless of religions affiliation, race, color, or country of origin.

<http://www.catholiccharitiesjackson.org>  
(601) 355-8634  
200 North Congress, Suite 100  
Jackson, Mississippi 39201

(662) 447-1477  
230 W. Main Street  
Okolona, MS 38860

(601) 442-0142  
Natchez Office  
24 hour domestic violence line: 1-800-273-6938 (up to 30 day emergency shelter)

**3. Free Legal Hotline**

(601) 960-9572

**4. Human Rights Campaign** works for lesbian, gay, bisexual, and transgender equal rights.

(202) 628-4160 or 1-800-777-4723  
<http://www.hrc.org>  
1640 Rhode Island Avenue NW  
Washington, DC 20036-3278

**5. Mississippi Bar Association** promotes the availability and delivery of legal services. Legal referrals available.  
(601) 948-4471

<http://www.msbar.org> 643 North State Street  
Jackson, Mississippi 39202

6. **Mississippi Center for Justice** is a nonprofit, public interest law firm committed to advancing racial and economic justice through statewide, systemic, legal advocacy on behalf of low-income people and communities of color.

(601) 352-2269  
<http://www.mscenterforjustice.org>  
P. O. Box 1023  
Jackson, MS 39215-1023

7. **Mississippi Immigrants' Rights Alliance (MIRA)** advocates for legislation and policy change to expand the rights of all immigrants in Mississippi and make them welcome in our communities.

(601) 968-5182 or 1-888-204-3355  
<http://www.yourmira.org/>  
P.O. Box 1104  
Jackson, MS 39215-1104

8. **Mississippi Workers' Center for Human Rights** is a worker advocacy organization that sees as its mission, providing organizing support, legal representation and training for low-wage, non-union workers in the state of Mississippi.

(662) 334-1122 or 1-888-949-9754

[www.msworkerscenter.org](http://www.msworkerscenter.org)  
213 Main Street  
Greenville, MS 38701

9. **National Association for the Advancement of Colored People (NAACP)** works to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.

(601) 353-8452 or 1-877-NAACP-98  
<http://www.naacp.org/home/>

10. **National Immigration Law Center (NILC)** protects and promotes the rights and opportunities of low-income immigrants and their family members.

(213) 639-3900 [www.nilc.org](http://www.nilc.org)  
3435 Wilshire Blvd.  
Suite 2850  
Los Angeles, CA 90010  
Fax: (213) 639-3911

1. **National Organization for Women (NOW)** works to eliminate discrimination and harassment in all sectors of society; secure abortion, birth control and reproductive rights for all women; end all forms of violence against women; eradicate racism, sexism and homophobia; and promote equality and justice in our society.

(202) 628-8669  
[www.now.org](http://www.now.org)  
1100 H Street NW, 3rd floor  
Washington, D.C. 20005

12. **Unity Mississippi**

<http://unityms.org/>  
PO Box 4212  
Jackson, MS 39296

13. **United Nations Declaration of Human Rights** including "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

<http://www.un.org/overview/rights.html>

14. **U.S. Department of Justice Civil Rights Division**

<http://www.usdoj.gov>  
(202) 514-2000  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

15. **Youth Justice Project of the Southern Law Poverty Center**

(601) 948-8882  
[www.splcenter.org](http://www.splcenter.org)

# WHAT ARE HUMAN RIGHTS?

*“Human rights are something that you were born with. Human rights are your God given rights. Human rights are the rights that are recognized by all nations of this earth.”*

~Malcolm X, August 1964

History teaches us that the struggle to achieve human rights goes back a long time. In this country African-Americans, Native-Americans, Latinos and Asians, women and other groups have been fighting for human rights and equal citizenship for generations in order to maximize their human potential free from discrimination and harassment.

## **But what does this really tell us? What do we really mean by human rights?**

Human rights are those rights that every person needs in order to live freely as a human being. Human rights are the rights that someone has simply because he or she is a human being. Without human rights, we are not able to fully develop ourselves and use all of the best of our human qualities, such as our creativity, our talent, our intelligence and our dreams for what we want to do with our lives.

- Human rights are *inalienable*, meaning that no one has the right to take them away from you.
- Human rights are universal, meaning that everyone on this earth, no matter where they live, is entitled to the recognition of their human rights.
- Human rights are *interconnected*, meaning that the different aspects of your identity have to be recognized and protected from human rights violations. For example, if you are an African-American woman, the fact that you are a woman and African-American are both important. Human rights would require the government to protect you from race and gender discrimination and would also acknowledge the unique prejudice that you face, which is different from that which an African-American man or a white woman might experience.
- Human rights are *indivisible*, meaning that it is impossible to separate many different kinds of human rights because they are all part of what it means to be a human being.
- Human rights include both *rights* and *responsibilities*, meaning that it is not only enough that the government does not discriminate against you (which is your right), human rights also mean that the government has a responsibility to prevent discrimination against you from occurring in the first place (which is the government's responsibility).

In 1948, all of the nations of the world came together and signed an agreement called the Universal Declaration of Human Rights. This document required all of the governments of the world to make sure that all people living within their countries enjoyed basic human rights regardless of race, gender, religion, or any other social status.

## **Do children have human rights? What are children's rights?**

Children are entitled to all of the same basic human rights as adults. There are some limitations on children's rights, mostly based upon children needing special protections because of their youth and particular vulnerability. All of the nations of the world (except for 2 countries) have signed a document which outlines the human rights of children which is called the Convention on the Rights of the Child (CRC).

The CRC outlines all of the rights that children are supposed to enjoy. Only two countries have not formally accepted the CRC (the United States and Somalia) however because so many countries have signed it, the rights that are described in the CRC are supposed to apply to children everywhere including those children who are living in the United States.

### **What does the Convention on the Rights of the Child say, what rights does it cover?**

The CRC protects the whole range of human rights, including civil rights, political rights, economic rights, social rights, and cultural rights. It recognizes that the enjoyment of one right cannot be separated from the enjoyment of all others. The CRC recognizes children as full-fledged participants in society, and even juvenile offenders or “delinquents” are, first and foremost, human beings and citizens and should have their human rights respected as much as anyone else. The CRC has set up an independent body of human rights experts whose job it is to monitor and enforce compliance with the provisions of the CRC. This body is known as the Committee on the Rights of the Child.

### **What does the Committee on the Rights of the Child say about juvenile justice?**

The Committee on the Rights of the Child has identified a number of key human rights issues, which it suggests that countries should prioritize in their juvenile justice systems, including some of the following:

- *Age and criminal capability* - Countries must set the highest possible minimum age of criminal responsibility, meaning that children should be treated as children for as long as possible. Furthermore, children below a certain age (usually 7 years old) should never be held responsible for crimes that they commit.
- *Need for alternatives measures* - Diversion and alternative sentencing should be encouraged with the aim of keeping children out of the criminal justice system. The Committee on the Rights of the Child identified the family and the child’s community as having an important role to play in the implementation of such measures. In addition, prosecutors should be encouraged to use their power to withdraw criminal cases and recommend diversion.
- *Children deprived of their liberty* - Putting a child behind bars should be used as a measure of last resort and, when appropriate, considered for the shortest possible period.

**The American Civil Liberties Union of Mississippi is a nonprofit, nonpartisan membership organization devoted to protecting and extending the civil liberties of all people in Mississippi.**