Student Rights and School Policy Disputes

Attorneys

Alexander L. Friedman

Colleen Hollis

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Student Rights and School Policy Disputes

Overview

Students do not forfeit their constitutional rights at the schoolhouse door. The Supreme Court established that principle decades ago. But the boundaries of those rights are narrower than most families realize, and they shift significantly depending on whether a student attends a public or private institution.

Student free speech protections apply differently in a school hallway than on a public sidewalk. Search and seizure standards that would be unconstitutional if applied by police are often permissible when conducted by school administrators. Disciplinary due process exists, but its requirements change based on the severity of the consequence. Families who assume their child's rights mirror the protections available to adults routinely discover the gap only after a violation has already occurred.

Cohen Cleary represents students and families in disputes over school policies, First Amendment rights, privacy violations, athletics eligibility, and other issues affecting educational access across Massachusetts and Rhode Island.

How We Help Students and Families in School Policy Disputes

School policy disputes take many forms, and each requires a different strategic approach. Our school policy lawyers represent students and families in matters including:

- **First Amendment and free expression claims,** including challenges to speech restrictions, dress codes, and social media policies imposed by public school districts
- **Search and seizure disputes** involving school search rights, where officials may search students, lockers, or personal devices under a standard significantly lower than what law enforcement must meet
- **Student privacy rights under FERPA and state law,** including unauthorized disclosure of educational records, improper information sharing, and records access disputes
- **Athletics eligibility and extracurricular participation challenges,** where arbitrary or inconsistently applied policies exclude students from programs that affect college recruitment and scholarship opportunities
- **Policy reform advocacy,** where systemic issues require not just individual resolution but changes to district-wide practices

We evaluate each situation against the specific legal framework that applies. Public schools operate under constitutional constraints that private institutions do not share, and the distinction between those obligations determines which legal tools are available. Our education rights lawyers help families understand where the lines are drawn and how to enforce the rights that exist within them.

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Why Students and Families Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our Education Law work, this approach helps families navigate school policy disputes and student rights challenges with clarity, efficiency, and confidence.

Our Approach to Student Rights Matters

Massachusetts General Laws ch. 71, § 82 and related provisions establish specific procedural requirements for student discipline and policy enforcement that many school districts implement inconsistently. We begin each student rights matter by reviewing the district's written policies alongside the applicable statutory and constitutional framework. When a school's actions fall outside legal boundaries, we pursue resolution through direct advocacy with administrators, formal complaints to the Department of Elementary and Secondary Education, or litigation when the circumstances require it. Our approach prioritizes preserving the student's educational placement and academic record while holding institutions accountable for policy violations.

Representing Students Across Massachusetts and Rhode

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Cohen Cleary represents students and families in Massachusetts student rights and school policy disputes, with offices in Taunton and Plymouth. Our Taunton school policy attorneys practice regularly before Massachusetts state courts and administrative agencies, including the Department of Elementary and Secondary Education. We understand the procedural landscape of school districts throughout southeastern Massachusetts, Greater Boston, Bristol County, Plymouth County, and Norfolk County. This local familiarity allows us to anticipate how districts and administrators respond to legal challenges and to position our clients effectively. The firm also has the capacity to serve families in student rights matters across Rhode Island and New England.

Frequently Asked Questions About Student Rights

Do students have First Amendment rights in public schools?

Yes, but those rights are more limited than they are outside of school. Student First Amendment protections exist under the framework the Supreme Court established in Tinker v. Des Moines, but schools can restrict expression that substantially disrupts the educational environment or infringes on the rights of others. Massachusetts law provides additional protections in certain contexts. The key is understanding where the boundaries fall for your child's specific situation.

Can a school search my child's belongings or phone without a warrant?

School officials do not need a warrant or probable cause to conduct a search. Under the "reasonable suspicion" standard, administrators can search a student's belongings, locker, or personal device if they have reasonable grounds to believe the search will uncover evidence of a rule violation. This is a significantly lower threshold than what police must satisfy, which is why understanding the distinction matters when evaluating whether a search was lawful.

What rights do students have regarding their educational records?

FERPA (the Family Educational Rights and Privacy Act) gives parents and eligible students the right to access educational records and restricts schools from disclosing personally identifiable information without consent. If a school has disclosed records improperly or denied access to records you are entitled to review, legal remedies are available at both the federal and state levels.

Are private school students protected by the same rights as public school students?

Generally, no. The constitutional protections that apply to public schools, including First Amendment rights and Fourth Amendment search restrictions, do not bind private institutions in the same way. Private schools are governed primarily by their own policies, enrollment agreements, and applicable state and federal statutes such as anti-discrimination laws. However, private schools that receive federal funding may have additional obligations under specific federal programs.

Protect Your Child's Rights With Guidance From Cohen

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If your child is facing an unfair school policy, a free speech restriction, a privacy violation, or exclusion from extracurricular activities, contact Cohen Cleary to discuss the situation. Our student advocacy lawyers can evaluate the legal framework that applies and help you determine the most effective path forward.

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