

State Laws Protecting Student Free Speech

Alabama

Codified Protection of First Amendment Rights on Campus

Alabama has no laws expressly protecting student free speech rights on university campuses. Students in Alabama must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Alaska

Codified Protection of First Amendment Rights on Campus

Alaska has no laws expressly protecting student free speech rights on university campuses. Students in Alaska must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Arizona

Codified Protection of First Amendment Rights on Campus

Arizona protects students with two recently enacted statutes that cover students' speech/expression rights and students' association rights.

A.R.S. 15-1861-64

<https://goo.gl/xLBVTF>

No public institution of higher education can restrict a student's right to speak in a public forum, defined as any outdoor, publicly accessible portion of the campus, unless the school narrowly tailors its restriction to advance a compelling government interest. This effectively bars speech zones. The law should also protect students from punishment for the substance of their expression in a public forum, and protects students from discrimination because of the expression of their religious views in or out of class. However, there is no specific language protecting students from being punished because others took offense at their views. Thus, the law provides only limited protection from speech codes.

A.R.S. 15-1863

No public institution of higher education can discriminate against student groups based on religious, political, philosophical grounds. The law ensures that these student groups may organize around these ideas and choose leaders who reflect their beliefs.

Arkansas

Codified Protection of First Amendment Rights on Campus

Arkansas has no laws expressly protecting student free speech rights on university campuses. Students in Arkansas must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

California

Codified Protection of First Amendment Rights on Campus

California has some laws that may provide a modicum of protection for students' First Amendment rights. California is also unique in that it has passed state laws extending some free speech protections to some private university campuses.

Cal. Educ. Code §§ 66301 and 94367

<https://goo.gl/onRRSq>

Public *and private* institutions of higher education cannot discipline students for expression protected by the First Amendment of the United States Constitution. These laws provide that no such institution “shall make or enforce any rule subjecting any student to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a campus of those institutions, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article 1 of the California Constitution.” While this language is imprecise, it may be read to prohibit these institutions from imposing overbroad speech codes.

Cal. Educ. Code § 76120

<https://goo.gl/TnamhJ>

Requires public community colleges to adopt policies with “reasonable provisions for the time, place, and manner of conducting such activities.” Neither speech codes nor speech zones are prohibited, but the statute does force universities to keep their restrictions on speech reasonable and allow students use of public spaces for expression. Thus, the statute may arguably prohibit at least community colleges from limiting student speech to certain “speech zones.”

Colorado

Codified Protection of First Amendment Rights on Campus

Colorado grants broad protection to students' free speech and expression rights on campus. Colorado, however, does not protect students' freedom of association.

C.R.S. 23-5-144

<https://goo.gl/EGA9LN>

This 2017 Colorado statute expressly prohibits speech zones and provides some, though not complete, protection against speech codes by prohibiting restrictions on student expression in a public forum unless they are narrowly tailored to serve a compelling interest. This statute should eliminate speech zones and may prohibit the application of speech codes – at least in public forums on campus. It does not, however, prohibit the application of speech codes to student speech outside a public forum. Colorado has also not enacted legislation expressly protecting freedom of association.

Connecticut

Codified Protection of First Amendment Rights on Campus

Connecticut has no laws expressly protecting student free speech rights on university campuses. Students in Connecticut must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Delaware

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Delaware has no laws expressly protecting student free speech rights on university campuses. Students in Delaware must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Florida

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Florida has no laws expressly protecting student free speech rights on university campuses. Students in Florida must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Georgia

Codified Protection of First Amendment Rights on Campus

Georgia has no laws expressly protecting student free speech rights on university campuses. Students in Georgia must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Hawaii

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Hawaii has no laws expressly protecting student free speech rights on university campuses. Students in Hawaii must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Idaho

Codified Protection of First Amendment Rights on Campus

Idaho protects the freedom of association of students in public institutions of higher education. It does not have any broader statutory protections for student speech and expression.

Idaho Code 33-107D

<https://goo.gl/iEoyjK>

No public instruction of higher education shall take any action or enforce any policy that would deny a religious student group any benefit available to any other student group based on the religious student group's requirement that its leaders adhere to its sincerely held religious beliefs or standards of conduct.

Illinois

Codified Protection of First Amendment Rights on Campus

Illinois has no laws broadly protecting student free speech rights on university campuses. Students in Illinois must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association. However, it has enacted a state law specifically protecting student publications' free speech rights.

2015 ILL. ALS 678

Students who report, blog, publish, or opine on current events in school sponsored forums are protected by the First Amendment. It does not matter if the publication does or does not receive financial support from the school; all student publications will be afforded protection from prior restraints on their material or other unreasonable restrictions on speech.

Indiana

Codified Protection of First Amendment Rights on Campus

Indiana has no laws expressly protecting student free speech rights on university campuses. Students in Indiana must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Iowa

Codified Protection of First Amendment Rights on Campus

Iowa has no laws expressly protecting student free speech rights on university campuses. Students in Iowa must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Kansas

Codified Protection of First Amendment Rights on Campus

Kansas protects student freedom of association for religious student groups. Kansas does not have any broader statutory protection for the speech/expression of students on university campuses.

K.S.A. 60-5312

<https://goo.gl/GnFmH5>

No institution of postsecondary education may discriminate against or deny to any religious student group any benefit available to other student groups because of the group's religious beliefs or requirement that its members and officers share those religious beliefs.

Kentucky

Codified Protection of First Amendment Rights on Campus

K.R.S. ch. 164.

<https://goo.gl/CrMMNw>

This 2017 statute prohibits discrimination against the expression of religious and political viewpoints in classroom assignments and in other expression on campus. It also prohibits any regulation of student speech in the outdoor portions of the university or otherwise protected by the First Amendment unless they are (1) reasonable, (2) content-neutral, (3) narrowly tailored to a compelling government interest, and (4) leave open ample alternative channels of communication. Finally, the statute ensures that all religious and political student organizations remain free to select their own leaders and face no discrimination because of their exercise of their right of association.

These provisions prohibit speech zones and protect students' freedom of association. In many, if not most, cases this statute will also prohibit the unconstitutional application of university speech codes. However, it does not expressly limit university speech codes, especially in student speech outside public forum areas of the universities.

Louisiana

Codified Protection of First Amendment Rights on Campus

Louisiana has no laws expressly protecting student free speech rights on university campuses. Students in Louisiana must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Maine

Codified Protection of First Amendment Rights on Campus

Maine has no laws expressly protecting student free speech rights on university campuses. Students in Maine must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Maryland

Codified Protection of First Amendment Rights on Campus

Maryland has no general protection for student speech and association on university campuses. Maryland law does provide protections for student produced media.

Md. EDUCATION Code Ann. § 7-121

Protects school sponsored media prepared by high school and college students. Any publication that is widely available shall be considered school media even if it receives no funding or substantial support from the school. There can be no prior restraint on student produced media.

Massachusetts

Codified Protection of First Amendment Rights on Campus

Massachusetts has no laws expressly protecting student free speech rights on university campuses. Students in Massachusetts must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Michigan

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Michigan has no laws expressly protecting student free speech rights on university campuses. Students in Michigan must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Minnesota

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Minnesota has no laws expressly protecting student free speech rights on university campuses. Students in Minnesota must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Mississippi

Codified Protection of First Amendment Rights on Campus

Mississippi has no laws expressly protecting student free speech rights on university campuses. Students in Mississippi must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Missouri

Codified Protection of First Amendment Rights on Campus

§ 173.1550 R.S.Mo

<https://goo.gl/pe5dyX>

Missouri prohibits speech zones, making the entire outdoor portion of university campuses a traditional public forum for student speech. It also ensures that students are free to engage in noncommercial expression on campus unless they materially and substantially disrupt the functioning of the institution. This provision limits speech codes at least applied to speech in college forums.

Montana

Codified Protection of First Amendment Rights on Campus

Montana has no laws expressly protecting student free speech rights on university campuses. Students in Montana must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Nebraska

Codified Protection of First Amendment Rights on Campus

Nebraska has no laws expressly protecting student free speech rights on university campuses. Students in Nebraska must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Nevada

Codified Protection of First Amendment Rights on Campus

Nevada has no laws expressly protecting student free speech rights on university campuses. Students in Nevada must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association. However, it does have a statute prohibiting colleges from placing prior restraints on student publications.

N.R.S. 388.077

Protects the ability of student publications to disseminate and create material without restriction from school personnel. Covers both K-12 and college/university students. Prohibits prior restraints on publications.

New Hampshire

Codified Protection of First Amendment Rights on Campus

New Hampshire has no laws expressly protecting student free speech rights on university campuses. Students in New Hampshire must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

New Jersey

Codified Protection of First Amendment Rights on Campus

New Jersey has no laws expressly protecting student free speech rights on university campuses. Students in New Jersey must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

New Mexico

Codified Protection of First Amendment Rights on Campus

New Mexico has no laws expressly protecting student free speech rights on university campuses. Students in New Mexico must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

New York

Codified Protection of First Amendment Rights on Campus

New York has no laws expressly protecting student free speech rights on university campuses. Students in New York must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

North Carolina

Codified Protection of First Amendment Rights on Campus

North Carolina broadly protects student free speech rights through a number of statutes.

N.C.G.S.A. 115D-20.2 & 166-40.12

<https://goo.gl/hqzbf4>

<https://goo.gl/XGBXZT>

Together, these statutes protect all students in public colleges and universities from policies that would discriminate against religious or ideological groups. Generally available benefits must be afforded to all student groups no matter their religious or political views. These student groups must be allowed to structure their organization and limit their leadership/membership pursuant to their beliefs.

NC HB527

<https://goo.gl/bu3FZj>
<https://goo.gl/nRmWG7>

Enacted in July 2017, this statute ensures that the outdoor portions of the campus are free for student expression and prohibits restrictions on speech that are not necessary to satisfy a significant interest. This law should eliminate speech zones on North Carolina campuses. It may also prohibit many applications of speech codes, but the law does not expressly limit speech codes and address student speech outside public forum areas of the campus. Finally, some statutory language requiring sanctions for students disrupting other students' expression could be applied to punish protected student speech.

North Dakota

Codified Protection of First Amendment Rights on Campus

North Dakota provides statutory protection to K-12 and college/university student publications at public educational institutions. It has no broader statutory protection for student speech or association rights.

N.D. Cent. Code §§ 15-01-06 & 15-10

All school sponsored media will receive their full First Amendment rights. School sponsored media need not be funded by a school; instead, it is any distributed or widely available material prepared by a student. There will be no prior restraints on school sponsored media.

Ohio

Codified Protection of First Amendment Rights on Campus

Ohio protects college/university religious student groups from discrimination. It has no broader statutes protecting students' speech/expression.

Ohio Rev. Code 3345.023

<https://goo.gl/B6MMqn>

No state institution of higher education shall take any action or enforce any policy that would deny a religious student group any benefit available to any other student group based on the religious student group's requirement that its leaders or members adhere to its sincerely held religious beliefs or standards of conduct.

Oklahoma

Codified Protection of First Amendment Rights on Campus

Oklahoma protects the freedom of association of college/university religious student groups. It has no broader statutes protecting students' speech/expression.

70 Okl. St. Ann 70-2119.1

<https://goo.gl/VtAK7M>

No institution of higher education can deny religious student groups benefits because of their religious beliefs. Religious student groups may structure themselves and choose leaders that share the group's religious convictions.

Oregon

Codified Protection of First Amendment Rights on Campus

Oregon has no laws generally protecting student free speech rights on university campuses. Students in Oregon must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association. Oregon has, however, enacted a law protecting student publications.

Or. Rev. Stat. Ann. § 350.260

<https://goo.gl/VTwjiQ>

This statute ensures that student publications at public higher educational institutions do not experience punishment because of their work. Any student publication, whether financially supported by the school or not, receives this protection.

Pennsylvania

Codified Protection of First Amendment Rights on Campus

Pennsylvania has no laws expressly protecting student free speech rights on university campuses. Students in Pennsylvania must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Rhode Island

Codified Protection of First Amendment Rights on Campus

Rhode Island has no laws expressly protecting student free speech rights on university campuses. Students in Rhode Island must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

South Carolina

Codified Protection of First Amendment Rights on Campus

South Carolina has no laws expressly protecting student free speech rights on university campuses. Students in South Carolina must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

South Dakota

Codified Protection of First Amendment Rights on Campus

South Dakota has no laws expressly protecting student free speech rights on university campuses. Students in South Dakota must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Tennessee

Codified Protection of First Amendment Rights on Campus

Tennessee provides broad protection for the free speech rights of college and university students. It specifically prohibits speech zones, making the public areas of university campuses open for student expression and prohibits speech codes – defining “harassment” as defined by the Supreme Court in *Davis v. Monroe County School Board* and not permitting broader restrictions on what students can say. Finally, Tennessee has specifically protected the freedom of association of religious student organizations on its campuses.

T.C.A. 49-7-156

<https://goo.gl/XZfaHT>

Public institutions of higher education shall not discriminate against religious student organizations, and these organizations must be allowed to govern their own structure and membership based on their beliefs.

T.C.A. 49-7 (subsection to be determined)

This 2017 Tennessee statute bars restraints on speech/expression, including the speech of a guest or visitor. All public open areas of university campuses are deemed forums suitable for speech/expression. This provision effectively prohibits speech zones. The law also prohibits speech codes, prohibiting universities from requiring students to adhere or espouse certain views and, importantly, narrowly defining “harassment” for purposes of university speech codes. Finally, the law also prohibits universities from denying generally available student organization funding to certain student groups because of their viewpoints.

Texas

Codified Protection of First Amendment Rights on Campus

Texas has no recently codified laws protecting First Amendment rights in public education. Students in Texas must look to its state and the federal constitution to find protection from limitations on speech, expression, and association.

However, Texas's Religious Freedom Restoration Act specifically applies to colleges and universities and may provide protection for religious students and religious student groups.

<https://goo.gl/wyzPQF>

Utah

Codified Protection of First Amendment Rights on Campus

Utah prohibits speech zones on university campuses, declaring all open areas of public universities to be "traditional public forums." Utah has not more broadly protected student expression by prohibiting speech codes or guaranteeing freedom of association.

Utah Code Ann. § 53B-27-201

<https://goo.gl/f37TBQ>

Public institutions of higher education will allow persons to use all outdoor areas for speech, peaceful demonstrations, handing out materials and other expressive activities. Spontaneous speech/expression of students and members of the public must be allowed and protected.

Vermont

Codified Protection of First Amendment Rights on Campus

<https://goo.gl/cHHu5b>

Vermont has no laws expressly protecting student free speech rights on university campuses broadly. Students in Vermont must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association. However, Vermont does have a state law protecting the right of student journalists – but only in "school sponsored media." Thus, Vermont law actually provides less protection to students' private speech than it does to "school sponsored" speech.

Virginia

Codified Protection of First Amendment Rights on Campus

Virginia protects both students' speech/expression and their association rights. It prohibits speech zones, making outdoor spaces of universities a public forum. It also prohibits any interference with the First Amendment rights of students and faculty and prohibits limits on

student speech and expression that are not narrowly tailored to a significant government interest – provisions that may prohibit the application of speech codes in many, but not all cases. The Finally, Virginia expressly protects the freedom of association of religious and political student groups.

Va. Code Ann. § 23.1-401 & 900

<https://goo.gl/RLVQ6b>

<https://goo.gl/KLfSXh>

Institutions cannot create any unreasonable restriction on the time, manner, or place of student speech that is protected by the First Amendment. Outdoor public spaces are proper forums for speech/expression. Invited speakers, guests, and visitors will receive the same rights as students.

Va. Code Ann. § 23.1-400

<https://goo.gl/HJnzt3>

Religious and political organizations can determine their membership requirements and core values, including limiting those positions to persons who share their religious or political views. Schools will not deny any benefit or privilege to these organizations because of their exercise of their right of freedom of association.

Washington

Codified Protection of First Amendment Rights on Campus

Washington arguably provides some protection for university students' speech/expression. Washington has no statutory protection of students' association rights.

WAC §§392-400-215 & 132F-121-020

<https://goo.gl/RB26aG>

Generally protects all students at public educational institutions from limitations on their speech/expression. Washington also protects students from prejudiced grading, harassment (vaguely defined), and hostile educational environments. However, there are no prohibition of speech zones or speech codes, merely general statements that institutions should foster free speech/expression.

West Virginia

Codified Protection of First Amendment Rights on Campus

West Virginia has no laws expressly protecting student free speech rights on university campuses. Students in West Virginia must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Wisconsin

Codified Protection of First Amendment Rights on Campus

Wisconsin has no laws expressly protecting student free speech rights on university campuses. Students in Wisconsin must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.

Wyoming

Codified Protection of First Amendment Rights on Campus

Wyoming has no laws expressly protecting student free speech rights on university campuses. Students in Wyoming must look to its state and the federal constitution to find protection from university limitations on speech, expression, and association.