

Digital Dilemmas: Weighing Student Rights Against School Tech Policies

In the age of rapid technological advancement, the intersection of First Amendment rights and public education has become increasingly complex. As a student who has navigated this evolving landscape, I have witnessed firsthand how technology can both empower and constrain our ability to communicate, learn, and express opinions within the school environment.

The Supreme Court has long recognized that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate"¹. However, these rights are not absolute, as schools must balance students' freedoms with the need to maintain an orderly learning environment. This delicate equilibrium has been further complicated by the proliferation of digital technologies, which have fundamentally altered how students interact with information and each other. Subsequent Supreme Court decisions have further refined the boundaries of student speech rights. In *Hazelwood v. Kuhlmeier*, the Court allowed schools to control student speech in school-sponsored activities for legitimate academic reasons, expanding schools' authority over curricular expression.² This decision granted schools broader authority to regulate student expression in curricular contexts.

During my junior year, our school implemented a policy prohibiting the use of AI-powered tools, such as ChatGPT, for any academic work. While allegedly aimed at preserving academic integrity, this blanket ban had unforeseen consequences for student learning and expression, particularly for those from historically marginalized backgrounds. This policy directly impacted many of my classmates for whom English was not their first language. These students found AI language models to be invaluable tools for improving their writing skills, understanding complex texts, and bridging the language gap in their academic work. By removing access to these resources, the school inadvertently exacerbated existing educational disparities and limited these students' ability to fully express their ideas and engage with the curriculum.

Moreover, the school's policy effectively created a digital divide between students who could afford private tutoring or additional language support and those who relied on free, accessible AI tools to level the playing field. By limiting students' ability to leverage technology for academic growth, the school may have inadvertently hindered the development of critical thinking and communication skills – abilities that are essential in a democratic society and increasingly important in the modern workforce.

The situation raises important questions about the extent to which schools can restrict student access to technological tools that enhance learning and expression in the digital age. While the Supreme Court has upheld schools' authority to regulate student speech in various contexts -

¹ "Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)," *Justia Law*, 1969: 21. <https://supreme.justia.com/cases/federal/us/393/503/>

² "Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)," *Justia Law*, 1988: 86-836. <https://supreme.justia.com/cases/federal/us/484/260/>

such as speech that substantially disrupts the learning environment³ or promotes illegal drug use⁴ - the wholesale ban of AI tools seems to extend beyond the scope of these rulings. Such a sweeping prohibition appears at odds with the spirit of the First Amendment and the principle of equal educational opportunity, potentially infringing on students' rights to access information and express themselves effectively. This blanket ban raises concerns about striking the appropriate balance between maintaining an orderly educational environment and preserving students' constitutional rights in an increasingly digital world. The recent decision in *Mahanoy Area School District v. B.L.* further complicates this issue. In this case, the Supreme Court held that schools have limited authority to regulate off-campus speech, including speech on social media.⁵ This ruling raises questions about the extent to which schools can restrict students' use of AI tools outside of school hours or for non-curricular activities.

A balanced approach to AI in schools is essential. Instead of outright bans, we should develop ethical guidelines for AI use in academics. This could include implementing digital safeguards, akin to traffic safety measures such as speed limits, seatbelts, and airbags, while allowing controlled AI integration. Schools should also teach digital literacy and AI ethics, empowering students to use these technologies responsibly and critically.

Furthermore, schools should recognize the potential of AI-powered tools as equity enhancers. For students from diverse linguistic backgrounds, these technologies can serve as powerful aids in language acquisition, content comprehension, and academic expression. By allowing and guiding the use of such tools, schools can create more inclusive learning environments that honor the spirit of the First Amendment by facilitating greater participation and expression from all students.

Ultimately, balancing First Amendment rights with school needs requires open dialogue between administrators, teachers, students, and parents. By involving all stakeholders in the decision-making process, schools can develop more thoughtful and equitable policies that respect constitutional rights while addressing legitimate educational concerns. As technology evolves, so too must our approach to safeguarding student rights in the digital age. The First Amendment's protection of free expression and access to information remains as vital as ever, particularly in educational settings where young minds are shaped. By embracing a more nuanced and adaptable approach to AI and emerging technologies, we can create learning environments that both protect students and prepare them for the complexities of the digital world beyond the classroom.

In conclusion, my experience with technology in school has deepened my appreciation for the First Amendment and highlighted the ongoing challenge of applying its principles in modern educational contexts. As we move forward, we must continue to critically examine and refine our approach to balancing student rights with the special characteristics of the school environment.

³ “*Bethel School District v. Fraser*, 478 U.S. 675 (1986),” *Justia Law*, 1986: 84-1667.

<https://supreme.justia.com/cases/federal/us/478/675/>

⁴ “*Morse v. Frederick*, 551 U.S. 393 (2007),” *Justia Law*, 2007: 06-278.

<https://supreme.justia.com/cases/federal/us/551/393/>

⁵ “*Mahanoy Area School District v. B.L.*, 594 U.S. 180 (2021),” *Justia Law*, 2021: 20-255.

<https://supreme.justia.com/cases/federal/us/594/20-255/>

Only by doing so can we ensure that our public schools remain defenders of free thought and expression, equipping all students – regardless of their background or primary language – with the skills and knowledge necessary to become engaged and informed citizens in an increasingly digital and AI-driven world.

I certify that this essay represents my original, authored work.