

Unit 5
Free Speech Rights in Schools

Unit Questions

How are students' free speech rights protected in a public school environment? To what extent can public school officials exercise discipline and control over a student's speech without infringing on the First Amendment? What role do negotiations play in the legal process and how can parties use a negotiation to resolve conflict without trial? How do court arguments work in the legal process?

Overview

This unit asks you to consider the permissible restrictions schools can place on students' freedom of speech, as they learn about the (fictional, but realistic) case of *Davis v. Ann Arbor School Board*. You will either conduct a mock negotiation in which they will try to resolve a First Amendment related conflict between a student and his public high school, or a mock argument in which you will argue for one side in front of a panel of student judges.

Unit Goals and Standards

- Summarize the facts and identify the First Amendment issues and holdings in opinions from the United States Supreme Court.
- Explain the importance and scope of First Amendment rights and the reasons for limitations on those rights in the public school context.
- Assess whether a (fictional) student's First Amendment rights were violated; support arguments with specific facts from the case materials and authority from United States Supreme Court opinions.
- Evaluate the advantages, disadvantages, and overall effectiveness of negotiations and oral arguments as a means of conflict resolution.
- Collaborate with other students to resolve multiple pieces of a conflict through a mock negotiation or mock argument.

Unit Assessment

You will either:

- conduct a mock negotiation and develop a settlement agreement that addresses the interests and goals of each party in the case *Davis v. Ann Arbor School Board*; or
- prepare and deliver a mock oral argument advocating for one of the parties, while supporting the arguments with holdings and reasoning from the U.S. Supreme Court.