

Lesson 1
Are schools permitted to limit students' First Amendment freedom of speech?

Lesson Objectives

Students will be able to:

- Hypothesize scenarios where a student's freedom of speech might be limited in the school context, drawing on their own experiences and intuitions.
- Describe the factual background of *Davis v. Ann Arbor School Board*, the (fictional) case around which this unit is structured.
- Identify the rule of *Tinker v. Des Moines Independent Community Sch. Dist.* and explain the Court's rationale.

Materials

- Handout 1: Journal prompt
- Handout 2: Plaintiff Kenji Davis's complaint
- Handout 3: *Tinker v. Des Moines Independent Community Sch. Dist.*
- Handout 4: Case organizer and accompanying answer key

Lesson Assessments

- Journal prompt: When should a school be permitted to censor student speech?
- Think-pair-share: Applying class-created rules to the complaint
- Case organizer: Check for understanding of *Tinker* excerpt

Instructional Activities

Anticipatory Set

- Distribute **Handout 1: Journal prompt**. Instruct students to independently journal responses to the questions for 10 minutes. Ask for volunteers to share some of the situations they came up with.
- Ask a few more volunteers to articulate their rules. List them on the board as students share. Discuss whether there might be any exceptions to the rules listed.
- Explain that in this unit, students will learn about how the Supreme Court of the United States has dealt with the issue of student speech in schools.

Guided Practice

- Explain to students that a plaintiff is someone who files a lawsuit. If a student believes his or her freedom of speech has been violated, the student might file a lawsuit against

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the school officials (such as the principal, vice principal, or school board). That would make the student the plaintiff. The school officials would be the defendants, since they must defend their decision to punish the student.

- Explain that plaintiffs’ lawyers’ first step in bringing a case is writing and filing a complaint, in court. The complaint is the plaintiff’s first chance to tell the court his or her side of the story.
- Pass out **Handout 2: Plaintiff Kenji Davis’s complaint**. Instruct students to read the complaint independently.
- Think-pair-share: After students have read the complaint, instruct them to choose a partner and discuss the following questions about what they read. After they have had a chance to discuss with a partner, share with the class:
 - Do you think Kenji Davis should have been punished for his speech? Why or why not?
 - Consider the rules we brainstormed on the board at the beginning of class. Do any of those rules apply to this situation?
- Pass out **Handout 3: Tinker v. Des Moines Independent Community Sch. Dist.** Read the “factual overview” and “the dispute” sections out loud, or ask for volunteers to read.
- Conduct an informal class poll, asking students to predict the result: Do you think the Supreme Court sided with the student, or the school? Ask a couple of students to explain their intuitions.
- Instruct students to read the excerpts from the case. As they read, they should fill in the *Tinker* column on **Handout 4: Case organizer**.

Independent Practice

- Students should complete the *Tinker* column on **Handout 4: Case organizer** for homework if they do not finish in class.

Closure

- Alert students that in the next class, they will examine two additional Supreme Court opinions to learn about other situations where a student’s speech may or may not be restricted by the school. Then they will figure out how a court might apply those rules to Kenji Davis’s case.