

Lesson 2
Under what circumstances may a school punish student speech?

Lesson Objectives

Students will be able to:

- Summarize and explain the rules from three Supreme Court opinions
- Identify textual clues about how the Supreme Court rules might apply in the case at hand

Materials

- Handout 2: Plaintiff Kenji Davis’s Complaint (from Lesson 1)
- Handout 4: Case organizer (from Lesson 1) with accompanying answer key
- Handout 5: Hazelwood Sch. Dist. v. Kuhlmeier
- Handout 6: Bethel Sch. Dist. No. 403 v. Fraser

Lesson Assessments

- Group share: check on understanding of Tinker excerpt
- Case organizer: identify important points in each reading

Instructional Activities

Anticipatory Set

- Instruct students to take out **Handout 4: Case organizer** from Lesson 1. By now, they should already have completed the first column.
- Divide students into groups of three. Each group should discuss their answers to the questions in the *Tinker* column of the case organizer.
 - Instruct students to share with their group their answer to the final question on the handout: which quote did they select from the *Tinker* excerpt to best capture the Court’s rule?
 - Once everyone has had a chance to share with their group, each group must decide whose quote is most representative of the Court’s rule. Each group must then select one person to go up to the board to write down the chosen quote.

Guided practice

- As a class, read through the chosen quotes. Note which ones were chosen more than once. Decide which quote most clearly states a rule that other students and principals can look to for guidance if a free speech issue arises in their school.

Unit 5: Lesson 2

First Amendment Rights in Schools

- Ask students to share other factors that also seemed important to the Court when it made its decision. (This is the third question on the case organizer.)
- Pass out **Handout 5: Hazelwood Sch. Dist. v. Kuhlmeier** and **Handout 6: Bethel Sch. Dist. No. 403 v. Fraser**. Students will individually read these two case summaries and excerpts, and fill in the corresponding columns on the case organizer, just as they did with the *Tinker* reading.
- As students are reading, write on the board: A school may punish student speech if...
 - *Tinker* -
 - *Hazelwood* -
 - *Fraser* -
- After students have finished, ask some to share which quote they thought best articulated the rule for *Hazelwood* and *Fraser*. Ask students to summarize in their own words what each case tells us about when a school is allowed to punish student speech. Write on the board as students articulate their summaries. It might look something like this:
 - A school may punish student speech if ...
 - *Tinker* - ...the speech is substantially disruptive to school work or discipline
 - *Hazelwood* - ...the speech is school sponsored, and there is a legitimate educational concern about it
 - *Fraser* - ...the speech is lewd, indecent, or offensive

Independent Practice / Homework

- Direct students back to **Handout 2: Plaintiff Kenji Davis's Complaint**. Students will skim through the complaint again and look for any clues about how Kenji Davis's case would turn out under the Supreme Court's rules. They should highlight any clues they find.

Closure

- Remind students that the complaint is only the student's side of the story, and tomorrow they will see what the assistant principal and the assembly speaker have to say about the incident. Then they will be able to more clearly apply the Supreme Court cases' rules to Kenji Davis's case.