

Case 12: When can a school limit what students say?

Anika's poster asks her school to keep the library open at lunch, and now someone in her group chat suggests a walkout.

On your own Read What happened. Underline each plan: the poster, wearing blue and the walkout. About 5 minutes.



Anika records a voice memo while Mateo listens beside a phone on a small tripod.

Your role: You're the one who compares Tinker with each action before anyone says "can't touch us."
New skill: Apply a precedent by comparing fact patterns.

What happened

Anika is a junior at a public high school. She wants the school library to stay open at lunch. On Tuesday afternoon, she prints a poster that says "KEEP OUR LIBRARY OPEN AT LUNCH. Wear blue Thursday."

Mateo did the photo and layout. He put a photo of the school's sign and logo across the top. The poster does not name Anika or any student group. The student handbook says posters need approval from the main office and the name of the student or group responsible.

On Wednesday night, someone in the group chat suggests a walkout if the school takes the poster down. The message says a 1969 Supreme Court case, *Tinker v. Des Moines*, means the school "can't touch us." Anika never suggested a walkout.

Your question: How far does Tinker cover the poster, the wear-blue plan and the walkout, and what facts are missing?

Key terms

On your own Read each key term and its example. Then write your first guess in the box. About 5 minutes.

Precedent A precedent is an earlier court decision that judges use as a guide in similar later cases.

En español: precedente

In this case: Tinker v. Des Moines (1969) guides Anika's case only as far as the facts match: quiet expression at a public school.

Fact pattern A fact pattern is the specific set of facts in a situation that a rule is applied to.

En español: conjunto de hechos

In this case: Anika lists each plan's action, place, timing and rule: the poster on a school board, wearing blue on Thursday and leaving class.

Substantial disruption Substantial disruption is the standard from Tinker v. Des Moines: a public school may limit speech that would seriously disrupt school activities.

En español: alteración sustancial

In this case: Wearing blue on Thursday is quiet, like the armbands. Leaving class is conduct under the attendance rule, which Tinker does not settle.

Who is involved



Anika

Made the poster

"My poster says keep the library open at lunch, and wear blue Thursday. Now the chat says we walk out. I never said walk out."



Mateo

Did the photo and layout

"I put the school sign across the top because it looked good. Now it reads like the school is announcing it. It isn't."

Before you look at the evidence, can the school do anything about the poster or the walkout?

[illegible]

Reading passage

Analogical reasoning and student expression

On your own Read the passage. At each Stop and think box, pause and answer the question in your head or with a partner. About 5 minutes.

Words to know

- **Precedent:** A precedent is an earlier court decision that judges use as a guide in similar later cases.
- **Fact pattern:** A fact pattern is the specific set of facts in a situation that a rule is applied to.
- **Substantial disruption:** Substantial disruption is the standard from *Tinker v. Des Moines*: a public school may limit speech that would seriously disrupt school activities.
- **Claim:** A claim is a statement that something is true. You can check a claim with evidence.
- **Framing:** Framing is choosing which parts of a situation a message brings forward.

The story: A slogan outruns a poster

Anika, a public high school junior, prints a poster asking her school to keep the library open at lunch and inviting students to “Wear blue Thursday.” Mateo, 22, designed it and placed a photo of the school’s sign and logo across the top. The poster names no student or group. The next night, a group chat reframes the campaign. If the school removes the poster, students will walk out, and “Tinker says they can’t touch us.”

The case is useful precisely because the legal claim sounds informed. *Tinker v. Des Moines* is a real and important precedent, and many students have heard of it. What the chat gets wrong is scope. It treats a holding about a specific kind of expression as a guarantee covering any protest method. It also attaches a walkout to a campaign whose author never proposed one.

Both friends model professional self-correction. Anika separates her poster from the walkout and acknowledges that her poster lacks the name the handbook requires. Mateo recognizes that his design choice changed the poster’s apparent speaker and plans a new version with office approval, Anika’s name and no logo.

Your role is to compare Tinker with each action before anyone says “can’t touch us.”

❓ Stop and think. How does analogical reasoning differ from applying a rule mechanically?

Precedent as analogy

A **precedent** is an earlier court decision that judges use as a guide in similar later cases. In *Tinker* (1969), public-school students wore black armbands to protest the Vietnam War, were suspended and won at the Supreme Court. **Substantial disruption** is the standard from *Tinker v. Des Moines*: a public school may limit speech that would seriously disrupt school activities. The Court added that an undifferentiated fear of disruption is not enough.

Legal reasoning from precedent is analogical, and it requires disciplined description. A **fact pattern** is the specific set of facts in a situation that a rule is applied to. The skill here extends Case 11's method of comparing situations on the same terms. Three fact patterns emerge. The wear-blue plan is passive, symbolic and compatible with attending class, and it is the closest analogue to the armbands. The walkout is conduct as well as expression. Leaving class triggers an attendance rule that applies whatever the message. The poster raises a question outside *Tinker*'s core. Bearing the school's insignia and no student attribution, it risks being read as the school's own speech, over which schools have more control.

Case 1's concepts clarify the communication problem. The chat's slogan is a **claim**, a statement that can be checked with evidence, and the holding does not support it. The logo is **framing**, choosing which parts of a situation a message brings forward. It foregrounds institutional authorship, and that changes the legal question as well as the audience's reading.

❓ **Stop and think.** The walkout involves both expression and conduct. Why does that distinction matter legally?

Doctrine, practice and professional norms

The *Tinker* opinion's best-known line holds that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (Legal Information Institute, 1969). The federal judiciary teaches the case alongside a walkout scenario that separates message from conduct and notes the usual attendance consequences (U.S. Courts, no date listed).

The Court's 2021 decision in *Mahanoy Area School District v. B. L.* extended the inquiry to off-campus speech. It ruled 8 to 1 for a student disciplined over a Snapchat post while preserving school authority over some off-campus speech, such as threats (Supreme Court of the United States, June 23, 2021; PBS NewsHour, June 23, 2021).

Current events test the walkout distinction. In early 2026, students in several states walked out to protest federal immigration enforcement. Indiana schools responded variously, with unexcused absences at some and one-day suspensions at one high school (Chalkbeat Indiana, February 11, 2026). Local reporting separated speech rights, attendance rules and discipline (WFYI, February 1, 2026). Advocacy groups publish their own guides.

Doctrine, practice and professional norms, continued

The ACLU's is a rights group's plain-language reading, and comparing it with court sources shows where law ends and advocacy begins (ACLU, February 27, 2018).

Two professional norms bear on the poster. The PRSA code asks communicators to “reveal the sponsors for causes and interests represented” (PRSA Code of Ethics, October 2000). The AIGA standards ask designers to avoid “false, misleading and deceptive promotion” (AIGA Standards of Professional Practice, no date listed). An unattributed poster under a school logo strains both.

? **Stop and think.** Compare the ACLU guide with the court sources. Where does legal description end and advocacy begin?

Sources

Real source | Legal Information Institute, Cornell Law School | 1969

Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969)

Real source | U.S. Courts | No date listed

Fictional Scenario: Tinker v. Des Moines

Real source | Supreme Court of the United States | June 23, 2021

Mahanoy Area School District v. B. L. (opinion)

Real source | PBS NewsHour (Associated Press) | June 23, 2021

Supreme Court rules in favor of cheerleader who published critical social media post in First Amendment case

Real source | Chalkbeat Indiana | February 11, 2026

How schools in Marion County responded to anti-ICE student protests

Real source | WFYI Indianapolis Public Media | February 1, 2026

A guide to your rights at Indiana protests, in the streets, and at school

Real source | ACLU | February 27, 2018

Students' Rights: Speech, Walkouts, and Other Protests

Real source | Public Relations Society of America (PRSA) | 2000

PRSA Code of Ethics

Real source | AIGA, the professional association for design | No date listed

AIGA Standards of Professional Practice

Look at the evidence

On your own Read each document. For each one, fill in both boxes. About 8 minutes.

Evidence A | Poster

Anika’s poster, first version

Printed Tuesday, 3:15 p.m. The poster reads “KEEP OUR LIBRARY OPEN AT LUNCH. Wear blue Thursday.” A photo of the school’s sign and logo runs across the top. No student name or group appears anywhere on the poster.

Look closely: Cover the logo photo with your hand. Who seems to be speaking now?

What it shows

What it leaves out

Evidence B | Handbook policy

Student handbook, page 14

Students may post materials on the student bulletin boards outside the cafeteria and the library. Materials must be approved by the main office and must show the name of the student or group responsible.

Look closely: Underline the two requirements for every poster.

What it shows

What it leaves out

Look at the evidence, continued

Evidence C | Group chat

The walkout message

Wednesday, 9:02 p.m.

First message: “If they take the poster down we walk out Thursday. Tinker says they can’t touch us.

Reply: “Wait, wear blue AND walk out??

Look closely: Which part is a message, and which part is leaving class?

What it shows

What it leaves out

What is still missing from the evidence?

Notes

Key idea: precedent

On your own Read the key idea and the Professional standards card. Then answer the question in the box. About 12 minutes.

A **precedent** is an earlier court decision that judges use as a guide in similar later cases. In *Tinker v. Des Moines* (1969), public-school students wore black armbands to protest the Vietnam War. The school suspended them, and the Supreme Court ruled for the students. The Court wrote that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” It also said a mere fear of disruption was not enough to limit their expression.

A precedent guides a new case only as far as the facts match. **Substantial disruption** is the standard from *Tinker v. Des Moines*: a public school may limit speech that would seriously disrupt school activities. Wearing blue on Thursday is quiet, like the armbands. A walkout is different, because students leave class. The school’s attendance rule covers that conduct, and *Tinker* does not settle it.

The poster raises another question. It shows the school’s sign and logo but no student name, so it may look like the school is speaking. Schools have more control over speech that looks like it comes from the school. A **fact pattern** is the specific set of facts in a situation that a rule is applied to. Write a fact pattern for each action before you decide whether *Tinker* fits it.

Professional standards

Adapted from a real source | American Bar Association (ABA), Center for Professional Responsibility

ABA Model Rules of Professional Conduct: Rule 2.1 Advisor

Summary: Summary, not a quotation: in representing a client, a lawyer must use independent professional judgment and give candid advice. A lawyer may refer to moral, economic, social and political factors as well as the law.

In plain words: Lawyers must give their clients honest, independent advice, even when the client would rather hear something else.

Question: The chat says “*Tinker* says they can’t touch us.” What would candid advice say about the walkout and attendance policy?

Professional standards, continued

Your answer

Candid advice would say ____, even if ____.

In the news



Real source | PBS NewsHour | April 28, 2021

Student free speech makes it to the Supreme Court in former high school cheerleader's case

Explains the Snapchat case the Court used to ask when a school can punish off-campus student speech.



Real source | PBS NewsHour (Associated Press) | June 23, 2021

Supreme Court rules in favor of cheerleader who published critical social media post in First Amendment case

The 8-1 ruling protected the student but said schools may still act on some off-campus speech, like threats.

Notes

Sort the evidence

On your own Link each piece of evidence to the claim it supports or challenges. Then name one missing view. About 6 minutes.

Test the slogan against the facts. Which evidence supports each claim, which challenges it, and which fact would you still need?

Evidence	Claim 1 Tinker means nobody can face consequences for walking out.	Claim 2 The wear-blue plan closely matches Tinker’s facts.	Claim 3 The poster should carry a student byline instead of the school logo.
1 Tinker’s facts: silent armbands, no substantial disruption, a public school			
2 A walkout means leaving class, which falls under the attendance rule			
3 The logo photo makes the poster look like school-sponsored speech			

Still open

- What does the attendance policy say, and what process follows?

Whose perspective is missing?

Whose view is missing from these documents? What would you ask them?

The view that is missing is _____. I would ask _____.

Practice: choose a response

On your own Choose the best reply to the group chat and explain why. Then fix the two marked lines.
About 5 minutes.

Someone in Anika's group chat says, "Tinker means nobody can get in trouble for walking out of class." How should you respond?

- ☐ **A** Agree, because Tinker protected students who protested at school.
- ☐ **B** Disagree, because schools can make any rule they want about student speech.
- ☐ **C** Say that the message and leaving class are separate questions, then check the attendance rule.

Why I chose it

Improve a draft

A student's first draft

No, the school can't take it down because of Tinker v. Des Moines. In that case **1** the Supreme Court said students have free speech at school. The poster is just saying the library should stay open at lunch which is not hurting anybody. We even used a nice photo of the school sign so it looks professional. The principal would be breaking the law if he took it down. This is America and students have rights. Everyone should wear blue Thursday and **2** walk out if they try.

Rewrite each marked phrase so it says only what the evidence supports.

Rewrite phrase 1

Rewrite phrase 2

College

Your task

On your own Read the steps. Fill in the planner boxes before you start your draft. About 15 minutes.

Write a plain-language explainer on posters and walkouts at public schools for a library teen night or a youth program. Separate the speech question, the attendance rule and possible discipline, and use Anika’s case as the example.

Use: Case documents: Anika’s poster, the posting policy and the walkout chat. Real sources: the Tinker summary and opinion (1969), the Mahanoy opinion (2021), WFYI’s rights guide and Chalkbeat’s report (February 2026) and the ACLU guide (2018).

You’ll make: Explainer, 400—500 words, with a labeled source list

Time: 90 minutes

- 1

Sort the case facts into three columns: speech, attendance and discipline.
- 2

Label each source as a court opinion, a news report or an advocacy guide.
- 3

Write one plain sentence that states the Tinker ruling.
- 4

Draft your explainer on the Your draft page, using Anika’s case as the example.
- 5

Finish your 400- to 500-word explainer on lined paper, with a labeled source list.
- 6

End with a line that says the explainer gives general information, not legal advice.



Prefer typing? Scan to open the online workspace.

Speech

Attendance

Discipline

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

On your own Write your draft in the boxes. Use your planner from the page before. About 35 minutes.

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Check your work

On your own Answer the Check your work questions and mark your level in each rubric row. Then write one change you made. About 8 minutes.

Do you state the Tinker ruling accurately and say it concerns public schools?	☐ Yes ☐ No
Do you separate the message from the act of leaving class?	☐ Yes ☐ No
Do you report the 2026 school responses without taking a side on the protests?	☐ Yes ☐ No
Is every source labeled as court, news or advocacy?	☐ Yes ☐ No

How your work is scored

Mark one box in each row.

Skill	Beginning	Developing	Proficient	Advanced
Evidence	☐ No case facts.	☐ Names Tinker without its rule.	☐ States Tinker's facts and substantial -disruption test.	☐ Adds a second precedent or the walkout exercise accurately.
Reasoning	☐ Treats a slogan as the answer.	☐ Applies Tinker to everything.	☐ Compares facts and separates speech from conduct.	☐ Varies facts to show where the precedent stops fitting.
Audience & purpose	☐ Tells others to break rules.	☐ Argues for one side only.	☐ Recommends a clear next question for the school.	☐ Balances effective expression with respect for process.
Revision	☐ No change.	☐ Softens tone only.	☐ Adds the rule's limit and removes a legal conclusion.	☐ Explains how each edit makes the argument more precise.

One change I made after feedback

This image shows a single page of white paper with horizontal blue lines, resembling notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Questions to discuss

On your own Write a short answer to each question. Then complete each sentence frame below the questions. About 10 minutes.

- 1** Which changed fact would make Tinker a weaker comparison for the wear-blue plan?

- 2** Why might it matter whether a poster looks like it comes from the school?

- 3** If the poster had Anika's name and no school logo, what would change?

My take

My claim: ____.

The best evidence is ____, because ____.

Someone who disagrees might say ____.

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has rounded corners on the right side. The background is a light gray surface.

Talk about this case at home

Case 12: When can a school limit what students say?

In this case, a student's poster asks her school to keep the library open at lunch, and someone in a group chat suggests a walkout. Your student compared a 1969 Supreme Court case with each plan and wrote a short analysis.

Questions to talk about

- 1 What rules do schools often have about posters or flyers?
- 2 Why might a school treat wearing a color differently from leaving class?
- 3 How can a reader tell who made a poster?

Nobody needs to share personal stories or private information to talk about this case.



See the case online.