

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

Content note

The news sources include 2026 student walkouts against federal immigration enforcement, which grew after federal agents fatally shot two people in Minneapolis. Preview them, and keep discussion on the legal questions in Anika’s case.

This case explains general rules. It is not legal advice for your situation.

Overview

Students read about Anika, a high school junior whose poster asks students to wear blue Thursday to keep the library open at lunch. They compare her poster, a posting policy and a group chat about a walkout with a summary of *Tinker v. Des Moines* (1969). They then compare the fact patterns and write two questions for a school contact about the posting policy.

Before this case

Students should already be able to:

- summarize a court holding in one sentence
- apply a rule to facts in an IRAC paragraph
- write an essay with counterclaims

Objectives

Students will be able to:

- state the holdings of *Tinker*, *Hazelwood* and *Mahanoy* accurately

Objectives, continued

- vary one fact at a time and explain which precedent becomes most relevant
- note that these precedents limit public schools
- analyze the case without giving legal advice

Materials

- This chapter, one copy per student
- Summaries of *Tinker* (1969), *Hazelwood v. Kuhlmeier* (1988) and *Mahanoy Area School District v. B.L.* (2021)
- A case comparison table and an IRAC template

The task in this edition

Task: Write a legal-reasoning essay: how would *Tinker*, *Hazelwood* and *Mahanoy* each bear on a version of Anika’s poster?

Students make: Essay, 600—750 words

Pacing

Opener (page 228): 4 min. Short on time: 4 min.

Key terms (pages 229 and 230): 4 min. Short on time: skip.

Look at the evidence (page 234): 7 min. Short on time: 7 min.

Look at the evidence (page 235): 3 min. Short on time: 3 min.

Pacing, continued

Key idea (pages 236 and 237): 10 min. Short on time: 6 min. Skip the code of ethics.

Sort the evidence (page 238): 6 min. Short on time: skip.

Practice (page 239): 4 min. Short on time: skip.

Your task (pages 240 and 241): 12 min. Short on time: 12 min.

Your draft (page 242): 25 min. Short on time: 25 min.

Check your work (pages 243 and 244): 6 min. Short on time: skip. Collect essays and score them with the rubric yourself.

Questions to discuss (pages 245 and 246): 8 min. Short on time: 3 min. Use question 3 as an exit ticket.

Talk about this case at home (page 247): at home.

Periods: full chapter 89 minutes; one period 60 minutes.

Standards

RI.11-12.1 Back up an analysis with the strongest evidence from the text, including where the text leaves things uncertain.

W.11-12.2 Write an explanatory text that conveys complex ideas clearly and accurately.

Case 12 plan, continued

Standards, continued

W.11-12.5 Strengthen writing by planning, revising, editing or rewriting, focusing on what matters most for the purpose and audience.

SL.11-12.1.c Keep a discussion moving with questions that probe reasoning and evidence, and make sure the full range of views is heard.

SL.11-12.1.d Respond to different views, pull together what each side says, resolve conflicts where possible and name what still needs research.

D2.Civ.4.9-12 Explain how the U.S. Constitution sets up a government whose powers and limits have changed and are still debated. In this case: Students explain how constitutional limits on government are still contested in schools.

D2.Civ.10.9-12 Analyze how personal interests and perspectives affect the use of civic virtues, democratic principles and rights. In this case: Students analyze the role of personal perspective in applying constitutional rights.

D3.4.9-12 Refine claims and counterclaims for precision and significance, noting the strengths and limits of each. In this case: Students refine claims and counterclaims about how the precedent applies.

Codes of ethics

- **ABA Model Rules of Professional Conduct:** Rule 2.1 Advisor

Codes of ethics, continued

- **PRSA Code of Ethics:** Disclosure of Information
- **AIGA Standards of Professional Practice:** The designer’s responsibility to the public

Heat map

- ■ □ **Opener (page 228):** Medium
- □ □ **Key terms (pages 229 and 230):** Low
- □ □ **Look at the evidence (page 234):** Low
- □ □ **Look at the evidence (page 235):** Low
- ■ □ **Key idea (pages 236 and 237):** Medium
- □ □ **Sort the evidence (page 238):** Low
- ■ □ **Practice (page 239):** Medium
- □ □ **Your task (pages 240 and 241):** Low
- □ □ **Check your work (pages 243 and 244):** Low

Try it at your school

Read your school’s expression policy before you print.

- Find your student handbook’s section on posting, dress or expression
- Write down which spaces allow student posters and whether approval is needed
- Make student-made materials clearly student-made, with no school logo
- Bring questions to student council or an advisor before planning an action

Try it at your school, continued

Who to ask: Student council advisor, a civics or government teacher, an assistant principal

Safety: Don’t pressure classmates to join a protest or skip class. Talk with a trusted adult before any action that could lead to discipline.

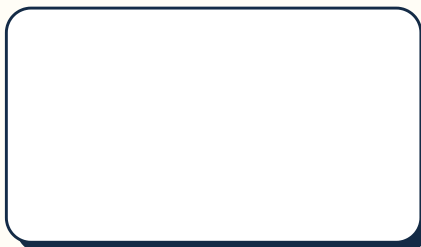
Sources

- U.S. Courts, “Facts and Case Summary: Tinker v. Des Moines,” No date listed
- U.S. Courts, “Fictional Scenario: Tinker v. Des Moines,” No date listed
- Legal Information Institute, Cornell Law School, “Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969),” 1969

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 4 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?

Pacing

Full chapter: 4 min.

Short on time: 4 min.

Say this

"There are three plans in this story. Can you name all three?" — Listen for the poster, wearing blue and the walkout. List them on the board.

Watch for

Misconception: Students treat the walkout as Anika's plan.

Listen for: "Anika wants everyone to walk out." **Then:**

Reread the last paragraph. Someone in the chat suggested the walkout. Anika never did.

Support

- Read What happened aloud. Pause after each plan so students can underline it.

Heat check

Medium. Students may bring up walkouts or discipline at their own school.

Cool-down: Say: "Today we're looking at Anika's school." Keep examples to the case, and do not ask who took part in a walkout.

Key terms

On your own Read each key term and its example. Then write your first guess in the box. About 4 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."

⌚ Pacing

Full chapter: 4 min.

✂ Short on time: skip this page.

💬 Say this

"A precedent is an earlier decision. What makes it fit a new case?" — Wait for "similar facts."

👁 Watch for

Misconception: Students think a precedent decides every later case. **Listen for:** "Tinker already decided this." **Then:** Reread the definition: it guides cases with similar facts. Ask which facts match.

📖 Support

- Point out a false cognate: library means biblioteca, not librería.
- **Cognates:** precedent (precedente), constitutional (constitucional), expression (expresión), protest (protesta), suspension (suspensión), decision (decisión), logo (logotipo), conduct (conducta).

🔑 Heat check

■□□ Low.

🔑 Answer key

Any first guess is fine. Students return to it on the My take page.

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

➤ My first guess is that the school can remove the poster, because it breaks the posting rule.

[illegible]

This page continues page 229. The notes for both pages are on the sheet for page 229.

Reading passage

Reasoning from precedent

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: Three actions, one slogan

Anika is a junior at a public high school who helps with theater sets and likes solving a problem herself before anyone jumps in. The problem she wants solved now is small and concrete. She wants the school library open at lunch. On Tuesday at 3:15 p.m., she prints a poster: “KEEP OUR LIBRARY OPEN AT LUNCH. Wear blue Thursday.” Mateo designed it and, for visual impact, put a photo of the school’s sign and logo across the top. The poster names no student or group.

On Wednesday at 9:02 p.m., the group chat escalates. Someone writes, “If they take the poster down we walk out Thursday. Tinker says they can’t touch us.” Another person asks whether the plan is to wear blue and walk out. Anika answers that she never asked anyone to leave class.

Then both friends look at their own part. Anika checks page 14 of the handbook. Students may post on the boards outside the cafeteria and the library if the main office approves and the material shows the responsible student’s or group’s name. Her poster has no name, and she says that part is on her. Mateo realizes his photo changed the poster’s apparent author. With the school’s sign on top, it reads like an official announcement. Before reprinting, he plans to get office approval, add Anika’s name or her group’s and leave off the logo.

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

Stop and think. Why does a precedent’s reach depend on how closely the facts match?

Pacing

Reading: about 5 min (744 words). Short on time: read it aloud together, pausing at each Stop and think.

Stop and think

1. **After “The story: Three actions, one slogan”:** Why does a precedent’s reach depend on how closely the facts match?
2. **After “From precedent to fact pattern”:** Build a fact pattern for the walkout. Which fact moves it furthest from Tinker?
3. **After “Courts, classrooms and current events”:** Mateo’s logo did not state anything false. Why can it still mislead?

From precedent to fact pattern

A **precedent** is an earlier court decision that judges use as a guide in similar later cases. The chat's precedent is *Tinker v. Des Moines* (1969). Public-school students wore black armbands to protest the Vietnam War. They were suspended, and the Supreme Court ruled for them. **Substantial disruption** is the standard from *Tinker v. Des Moines*: a public school may limit speech that would seriously disrupt school activities. The Court held that a mere fear of disruption was not enough.

Precedent works by analogy, so its reach depends on how closely a new situation matches. A **fact pattern** is the specific set of facts in a situation that a rule is applied to. The skill here extends Case 11, where you compared two jobs on the same terms. Build a fact pattern for each action and set it beside *Tinker*'s. The wear-blue plan is silent, symbolic and done while attending class, which closely tracks the armbands. The walkout involves leaving class, so a separate attendance rule governs the conduct regardless of the message. The poster raises a question *Tinker* does not reach. With the school's logo and no student name, it may look like school speech, and schools have more control over speech that appears to come from the school.

Case 1's vocabulary sharpens the analysis. "*Tinker* says they can't touch us" is a **claim** that stretches a narrow holding into a blanket immunity. The logo is **framing**, choosing which parts of a situation a message brings forward, and it brings the institution forward as the speaker. Mateo's redesign corrects the frame.

? **Stop and think.** Build a fact pattern for the walkout. Which fact moves it furthest from *Tinker*?

Courts, classrooms and current events

The *Tinker* majority wrote 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's own teaching materials pair that holding with a walkout scenario, separating the message from the act of leaving class and noting the usual attendance consequences (U.S. Courts, no date listed).

The Court revisited student expression in *Mahanoy Area School District v. B. L.*, the case of a cheerleader's off-campus Snapchat post. The 8 to 1 decision protected the student but said schools may still regulate some off-campus speech, such as threats (Supreme Court of the United States, June 23, 2021). Analysts noted how one changed fact pattern changed the answer (EdSurge, June 23, 2021).

Recent walkouts show the attendance question in practice. In early 2026, students in Indiana and other states walked out to protest federal immigration enforcement. Some Indianapolis-area schools treated it as an unexcused absence, and one high school issued one-day suspensions (Chalkbeat Indiana, February 11, 2026). An Indiana public media guide separated speech rights, attendance rules and discipline in the same way this case does (WFYI, February 1, 2026).

This page continues page 231. The notes for both pages are on the sheet for page 231.

Courts, classrooms and current events, continued

Designers carry a related duty. The AIGA standards ask designers to “represent messages in a clear manner” and to avoid “false, misleading and deceptive promotion” (AIGA Standards of Professional Practice, no date listed). Mateo’s logo was not a lie, but it misled about the speaker.

 **Stop and think.** Mateo’s logo did not state anything false. Why can it still mislead?

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 | EdSurge | June 23, 2021

In a Win for Student Speech, Supreme Court Rules in Favor of the ‘Snapchat Cheerleader’

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

AIGA Standards of Professional Practice

Notes

This page continues page 231. The notes for both pages are on the sheet for page 231.

Look at the evidence

On your own Read each document. For each one, fill in both boxes. About 7 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

➤ A student message framed by the school's own sign and logo, with no byline.

What it leaves out

➤ Whether the office approved it, and whether anyone at school has objected.

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

➤ A rule about place and approval: two boards, office approval, a named sponsor.

What it leaves out

➤ The penalty for breaking it, and what the attendance policy says about walkouts.

Case 12 | Look at the evidence | Grades 11–12 educator edition

🕒 Pacing

Full chapter: 7 min.

✂ Short on time: 7 min.

💬 Say this

“The handbook names two requirements for every poster. Which one is missing from Anika's poster?” — Wait for “the name of the student or group responsible.”

👁 Watch for

Misconception: Students say the handbook bans the poster's message. **Listen for:** “The school can't allow a poster about the library.” **Then:** Point to Evidence B. The rule covers where posters go, approval and a name. It says nothing about topics.

📖 Support

- Give each document on its own half-page.
- Read the chat messages aloud and name who is speaking in each.
- **Cognates:** precedent (precedente), constitutional (constitucional), expression (expresión), protest (protesta), suspension (suspensión), decision (decisión), logo (logotipo), conduct (conducta).

🔗 Stretch

- Ask what the walkout message assumes about Tinker, and which document would test that assumption.

🔥 Heat check

■□□ Low.

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

➤ A claim that Tinker bars any response, and a reply that mixes two plans.

What it leaves out

➤ The attendance policy, and whether the school has done anything to the poster.

What is still missing from the evidence?

➤ The attendance policy on leaving class is missing. So is whether the office approved the first version, whether the school has objected and what process comes before discipline.

Notes

Case 12 | Look at the evidence | Grades 11–12 educator edition

🕒 Pacing

Full chapter: 3 min.

⌘ Short on time: 3 min.

💬 Say this

“The handbook names two requirements for every poster. Which one is missing from Anika’s poster?” — Wait for “the name of the student or group responsible.”

👁 Watch for

Misconception: Students say the handbook bans the poster’s message. **Listen for:** “The school can’t allow a poster about the library.” **Then:** Point to Evidence B. The rule covers where posters go, approval and a name. It says nothing about topics.

📖 Support

- Give each document on its own half-page.
- Read the chat messages aloud and name who is speaking in each.
- **Cognates:** precedent (precedente), constitutional (constitucional), expression (expresión), protest (protesta), suspension (suspensión), decision (decisión), logo (logotipo), conduct (conducta).

🔗 Stretch

- Ask what the walkout message assumes about Tinker, and which document would test that assumption.

🔥 Heat check

■□□ Low.

Key idea: precedent

On your own Read the key idea and the Professional standards card. Then answer the question in the box. About 10 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?

Pacing

Full chapter: 10 min.

 Short on time: 6 min. Skip the code of ethics.

Say this

“*Tinker* protected quiet armbands. Which of the three plans looks most like that?” — Wait for the wear-blue plan.

“Rule 2.1 asks lawyers for candid advice. What would candid advice tell the group chat?” — Accept “*Tinker* doesn’t cover leaving class.”

Watch for

Misconception: Students read “schoolhouse gate” as meaning schools can never limit speech. **Listen for:** “Students can say anything at school.” **Then:** Read the next idea aloud: a school may limit speech that would substantially disrupt school.

Support

- Read the two In the news cards aloud. Both are about Mahanoy, a 2021 case about a student’s off-campus post.

Stretch

- Use the PRSA card: who would a reader think is behind the first poster?

Heat check

 **Medium.** The In the news cards cover a cheerleader punished for an off-campus Snapchat post. Students may bring up their own posts.

Cool-down: Keep to what the Court decided. Nobody needs to describe their own posts or discipline.

Professional standards, continued**Your answer**

Candid advice would say ____, even though ____.

➤ Candid advice would say Tinker protects quiet expression, not leaving class, even though the chat wants to hear that the school “can’t touch us.”

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

This page continues page 236. The notes for both pages are on the sheet for page 236.

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	Narrows	Supports	Neither
2 A walkout means leaving class, which falls under the attendance rule	Challenges	Neither	Neither
3 The logo photo makes the poster look like school-sponsored speech	Neither	Neither	Supports

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 _____.

The person who suggested the walkout is missing. I would ask what a walkout adds to the poster, and whether they read the attendance policy.

Pacing

Full chapter: 6 min.

Short on time: skip this page.

Say this

“Test the slogan. Which evidence narrows “Tinker means nobody can face consequences”?” — Model the first link together: Tinker's facts narrow the claim.

Watch for

Misconception: Students say the logo does not matter.

Listen for: “It’s just a picture.” **Then:** Ask who a stranger would think made the poster. That question is about who is speaking.

Support

- Let students write S, C or N (supports, challenges, narrows) before writing sentences.

Heat check

Low.

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 4 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

➤ C. A and B each turn Tinker into a slogan. C treats the message and the walkout as separate fact patterns and names the rule that governs the second one.

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

➤ Tinker protects speech unless it substantially disrupts school or invades others' rights.

Rewrite phrase 2

➤ Wear blue Thursday. A walkout is a separate question under the attendance rule.

Pacing

Full chapter: 4 min.

✂ Short on time: skip this page.

Say this

"Someone says Tinker means nobody gets in trouble. What do you reply?" — Vote first, then discuss.

Watch for

Misconception: Students pick B: schools set the rules.

Listen for: "Schools can do whatever they want." **Then:** Point to the schoolhouse-gate sentence.

Support

- Read the options aloud.

Heat check

■ ■ □ **Medium.** Talk may turn to real protests at school.

Cool-down: Ask which fact in Anika's case decides it. Keep real students' names out.

Answer key

A revised version: Tinker v. Des Moines (1969) says public-school students keep free-speech rights at school, unless their expression would substantially disrupt school or invade others' rights. Anika's message, keep the library open at lunch, and the plan to wear blue Thursday are quiet and look a lot like the armbands in Tinker. But two facts matter. The poster uses a school-logo photo, so it may look like an official announcement, which schools can regulate more. And walking out of class is conduct under an attendance rule, a different question. I'd remove the logo and ask the office which posting policy applies.

Grades 11–12

Your task

On your own Read the steps. Fill in the planner boxes before you start your draft. About 12 minutes.

Write a legal-reasoning essay: how would Tinker, Hazelwood and Mahanoy each bear on a version of Anika's poster?

Use: Summaries of Tinker (1969), Hazelwood v. Kuhlmeier (1988) and Mahanoy Area School District v. B.L. (2021) from U.S. Courts or Oyez.

You'll make: Essay, 600–750 words

Time: 60 minutes

- 1 Fill in the comparison table: the facts and holding of each of the three cases.
- 2 Change one fact about Anika's poster at a time: the logo, an off-campus post, a walkout.
- 3 Name the precedent that becomes most relevant after each change, and say why.
- 4 Draft your two key paragraphs on the Your draft page.
- 5 Write the full essay of 600 to 750 words on lined paper or in the online workspace.
- 6 Keep to analysis. Do not tell Anika what to do.



Prefer typing? Scan to open the online workspace.

Tinker (1969): holding

Students keep speech rights at school unless their expression would substantially disrupt it.

Hazelwood (1988): holding

Schools have more control over speech that looks like it comes from the school.

Case 12 | Your task | Grades 11–12 educator edition

Pacing

Full chapter: 12 min.

Short on time: 12 min.

Say this

“Change only one fact. Which precedent comes to the front?” — Model the logo change together before students try the others.

Watch for

Misconception: Students treat Hazelwood as letting schools remove any student poster. **Listen for:** “Hazelwood means the school always wins.” **Then:** Ask what makes speech look school-sponsored. Remove the logo and ask again.

Support

- Case comparison table
- IRAC template
- IRAC reminder: issue, rule, application, conclusion. One changed fact per paragraph.

Stretch

- Vary one fact at a time (logo, off-campus post, walkout) and explain which precedent becomes most relevant.

Heat check

Low.

Your task, continued

Mahanoy (2021): holding

8—1 for a student's off-campus post; schools may still act on some off-campus speech, like threats.

Public or private school?

Tinker limits public schools. A private school is not bound by the First Amendment the same way.

One changed fact and the precedent it points to

Logo removed and Anika's name added: the poster reads as student speech, so Tinker governs, not Hazelwood.

Notes

This page continues page 240.

Standards

Common Core: RI.11-12.1; W.11-12.2; W.11-12.5; SL.11-12.1.c; SL.11-12.1.d.

C3 Framework: D2.Civ.4.9-12; D2.Civ.10.9-12; D3.4.9-12.

The Case plan sheet gives each code in plain words.

Answer key

A strong response:

- Represents each holding accurately
- Applies precedent to varied facts
- Notes public vs. private school limits
- Avoids giving legal advice

Your draft

On your own Write your draft in the boxes. Use your planner from the page before. About 25 minutes.

Paragraph: the logo version, about 100 words

✎ The first version of Anika’s poster sits between two precedents. Its message, keep the library open at lunch, is the kind of student expression Tinker protected. Nothing in the evidence suggests it would substantially disrupt school. But a photo of the school’s sign and logo runs across the top, and no student name appears. A reader could mistake it for a school announcement. Under Hazelwood, schools have more control over speech that looks like it comes from the school. The logo gives the school a stronger argument than Tinker alone would allow.

Paragraph: two more changed facts, about 100 words

✎ Changing one fact at a time shows where each precedent governs. If Mateo removes the logo and adds Anika’s name, the poster reads as student speech, and Tinker becomes the main comparison. If Anika posted the message online from home, Mahanoy would matter more. There, the Court ruled for a student’s off-campus post while noting that schools may still act on some off-campus speech, such as threats. If students walk out, the question shifts to conduct under the attendance policy.

⌚ Pacing

Full chapter: 25 min.

✂ Short on time: 25 min.

💬 Say this

“Where does your essay say that the answer depends on one fact? Underline it.” — Every paragraph should have one.

👁 Watch for

Misconception: Essays drift into legal advice. **Listen for:** “Anika should get a lawyer.” **Then:** Keep to analysis: which precedent fits which facts.

📄 Support

- The overprinted sample holds two key paragraphs. Full essays run 600 to 750 words.

✎ Answer key

What to notice in the sample:

- Frames the logo version as a close question instead of forcing one answer.
- Varies facts one at a time, as the task asks.
- Represents Mahanoy’s limit, not only its outcome.

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 6 minutes.

Does your essay state each holding accurately?	☒ Yes ☐ No
Do you change one fact at a time and name the precedent that fits?	☒ Yes ☐ No
Do you note that these limits apply to public schools?	☒ Yes ☐ No
Do you analyze without giving legal advice?	☒ 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.

Pacing

Full chapter: 6 min.

 Short on time: skip this page. Collect essays and score them with the rubric yourself.

Say this

“Find the sentence where you separate the message from leaving class.” — If it is missing, that is the revision.

Watch for

Misconception: Students soften the tone and call it revision. **Listen for:** “I made it sound nicer.” **Then:** Point to the Revision row: add the rule’s limit or remove a legal conclusion.

Heat check

 Low.

Answer key

How to assess: The essay is scored for accurate holdings, disciplined variation of one fact at a time, attention to public versus private settings and restraint from legal advice.

Proficient looks like:

- **Evidence:** States Tinker’s facts and substantial-disruption test.
- **Reasoning:** Compares facts and separates speech from conduct.
- **Audience & purpose:** Recommends a clear next question for the school.
- **Revision:** Adds the rule’s limit and removes a legal conclusion.

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.

Questions to discuss

On your own Write a short answer to each question. Then complete each sentence frame below the questions. About 8 minutes.

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

➤ A private school, since Tinker limits public schools. Or evidence of a substantial disruption, since Tinker's protection depends on its absence.

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

➤ Speech that looks school-sponsored gives the school more control (Hazelwood, 1988), so the logo could weaken Tinker's protection. It also misleads readers about who made it.

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

➤ The poster would read as Anika's own expression, closer to Tinker than to school-sponsored speech. It would still need office approval, and the walkout question would not change.

My take

My claim: ____.

➤ Tinker fits the wear-blue plan, the poster needs a byline, and the walkout is a separate conduct question.

The best evidence is ____, because ____.

➤ Tinker's rule, because it protects expression unless it would substantially disrupt school.

Case 12 | Questions to discuss | Grades 11–12 educator edition

⌚ Pacing

Full chapter: 8 min.

✂ Short on time: 3 min. Use question 3 as an exit ticket.

💬 Say this

“Change one fact at a time. Say which fact you changed before you answer.” — Hear one answer per question.

🔗 Stretch

- Rewrite the walkout message so it says only what the chat knows for sure.
- Going further: Read the U.S. Courts summary of Tinker. List two facts from Tinker and two facts from Anika's situation. Which difference matters most, and why?
- Going further: Write two headlines about the same walkout, one using the words “a protest” and one using “leaving class” instead. What does each headline make readers think the dispute is about?
- Going further: Write a short dialogue in which Anika explains to a friend why Tinker fits the wear-blue plan better than the walkout. Ask a reader to explain the difference back to you.
- Going further: Find the section of your student handbook on posting, dress or expression. Write down which spaces allow student posters and whether you need approval. Bring questions to a student council advisor before you plan any action.
- Read about Bethel v. Fraser (1986) and Morse v. Frederick (2007) and add them to the comparison
- Find your district's student expression or posting policy and compare it with Tinker

My take, continued

Someone who disagrees might say ____.

- The logo makes the poster school speech, so the school can remove it.

The limit of the evidence is ____.

○ We don't know the attendance policy or whether the school has objected to the poster yet.

I would change my mind if ____.

☒ The school removed the wear-blue poster because of its message, not the posting rule.

Notes

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. On the left side, there is a vertical black margin line. The top-left corner of the paper is rounded. The entire sheet is set against a solid black background.

This page continues page 245.

Heat check

Question 1: Low.

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.

Case 12 | Talk about this case at home | Grades 11–12 educator edition

Pacing

At home: this page takes no class time.

Say this

“Bring this page home or read it with someone you trust.”
— Nobody needs to share their own views about protests or school discipline.