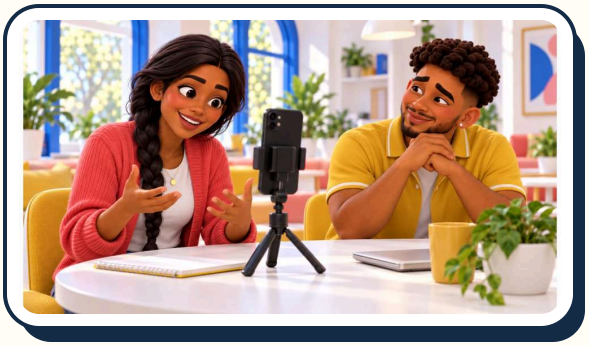
Case 12: When can a school limit what students say?

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?

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."

Your first guess

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

My first guess is ___, because ___.

Notes

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?

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).

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

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

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 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?

Professional standards, continued

Your answer

Candid advice would say ___, even though ___.

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 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

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

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

Hazelwood (1988): holding

Your task, continued

Mahanoy (2021): holding

Public or private school?

One changed fact and the precedent it points to

Notes

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

Paragraph: two more changed facts, about 100 words

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.

Check your work, continued

One change I made after feedback

I changed ___ because ___.

Notes

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?**

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 ___.

My take, continued

Someone who disagrees might say ___.

The limit of the evidence is ___.

I would change my mind if ___.

Notes

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.

See the case online.

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.