

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 decision’s facts and outcome
- tell speech from conduct in a simple example
- write a paragraph that applies a rule to facts

Objectives

Students will be able to:

Objectives, continued

- state Tinker’s rule accurately, including its limit on disruption
- apply the rule to the wear-blue plan and the walkout
- separate speech from conduct
- name the missing facts that would change the analysis

Materials

- This chapter, one copy per student
- Evidence A, B and C
- The U.S. Courts Tinker summary and its walkout scenario
- A brief template: facts, rule, application, open questions

The task in this edition

Task: Write a fact-pattern brief comparing Tinker with the wear-blue plan and the walkout.

Students make: Brief, 300—400 words

Pacing

Opener (page 220): 5 min. Short on time: 5 min.

Key terms (pages 221 and 222): 5 min. Short on time: skip. Define precedent and substantial disruption aloud in one minute.

Pacing, continued

Look at the evidence (page 226): 8 min. Short on time: 8 min.

Look at the evidence (page 227): 4 min. Short on time: 4 min.

Key idea (pages 228 and 229): 8 min. Short on time: 2 min. Read the second paragraph of the key idea aloud. Skip the rest.

Sort the evidence (page 230): 6 min. Short on time: skip.

Practice (page 231): 5 min. Short on time: skip.

Your task (pages 232 and 233): 8 min. Short on time: 8 min.

Your draft (page 234): 20 min. Short on time: 20 min.

Check your work (pages 235 and 236): 6 min. Short on time: skip. Collect briefs and score them with the rubric yourself.

Questions to discuss (pages 237 and 238): 8 min. Short on time: 3 min. Use question 1 as an exit ticket.

Talk about this case at home (page 239): at home.

Periods: full chapter 83 minutes; one period 50 minutes.

Case 12 plan, continued

Standards

RI.9-10.1 Support an analysis with solid, complete evidence from the text, both for what it states and for what it implies.

W.9-10.2 Write an explanatory text that presents complex ideas and information clearly and accurately.

W.9-10.5 Strengthen writing by planning, revising, editing or rewriting, focusing on what matters most for the purpose and audience.

SL.9-10.1.c Move a discussion forward with questions that connect it to larger ideas, bring others in and test ideas and conclusions.

SL.9-10.1.d Respond to different views, sum up where people agree and disagree, and adjust your view when the evidence calls for it.

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.

Standards, continued

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

Heat map

- ■ □ **Opener (page 220):** Medium
- □ □ **Key terms (pages 221 and 222):** Low
- □ □ **Look at the evidence (page 226):** Low
- □ □ **Look at the evidence (page 227):** Low
- ■ □ **Key idea (pages 228 and 229):** Medium
- □ □ **Sort the evidence (page 230):** Low
- ■ □ **Practice (page 231):** Medium
- □ □ **Your task (pages 232 and 233):** Low
- □ □ **Check your work (pages 235 and 236):** Low

Try it at your school

Read your school’s expression policy before you print.

Try it at your school, continued

- 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

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 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?

Pacing

Full chapter: 5 min.

Short on time: 5 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 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."

⌚ Pacing

Full chapter: 5 min.

✂ Short on time: skip this page. Skip this page. Define precedent and substantial disruption aloud in one minute.

💬 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 Tinker protects all of it, because it was a student protest case.

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.

Reading passage

How far does Tinker reach?

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 poster grows a plan

Anika, a junior at a public high school, wants the library to stay open at lunch. On Tuesday at 3:15 p.m., she prints a poster: “KEEP OUR LIBRARY OPEN AT LUNCH. Wear blue Thursday.” Mateo did the photo and layout. Because it looked good, he ran a photo of the school’s sign and logo across the top. No student name or group appears anywhere on the poster.

By Wednesday at 9:02 p.m., the idea has grown in the group chat. “If they take the poster down we walk out Thursday. Tinker says they can’t touch us.” The next reply shows the confusion: “Wait, wear blue AND walk out??”

Anika never proposed a walkout, and she says so. She also checks the student handbook. Page 14 allows posters on the boards outside the cafeteria and the library, but only with office approval and the name of the student or group responsible. Her poster has neither. Mateo sees his own problem. The school sign makes it look like the school is announcing the plan, and it is not. He decides to redo the photo.

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

? Stop and think. Anika separates her poster from the walkout. Why is that separation important?

⌚ Pacing

Reading: about 5 min (590 words). Short on time: read it aloud together, pausing at each Stop and think.

? Stop and think

1. **After “The story: A poster grows a plan”:** Anika separates her poster from the walkout. Why is that separation important?
2. **After “Precedent and fact patterns”:** Which changed fact would make Tinker a weaker comparison for the wear-blue plan?
3. **After “What courts and schools have done since”:** If the poster had Anika’s name and no school logo, what would change?

Precedent and fact patterns

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

A precedent guides a new case only as far as the facts match. A **fact pattern** is the specific set of facts in a situation that a rule is applied to. The new skill builds on Case 11, where you compared two jobs on the same terms. Here you compare Tinker's facts with three actions. Wearing blue is quiet and stays in class, like the armbands. A walkout means leaving class, which falls under the attendance rule, and Tinker does not settle that. The poster raises a separate question. It shows the school's logo and 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.

Two Case 1 terms fit here. "Tinker says they can't touch us" is a **claim** that goes far beyond the precedent. And the logo is a form of **framing**, choosing which parts of a situation a message brings forward. It brings the school forward as the apparent speaker.

? **Stop and think.** Which changed fact would make Tinker a weaker comparison for the wear-blue plan?

What courts and schools have done since

The Tinker opinion says students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (Legal Information Institute, 1969). The federal courts publish a teaching exercise about a walkout scenario that separates the message from the act of leaving class and describes the usual attendance consequences (U.S. Courts, no date listed).

The Supreme Court returned to student speech in 2021. In the case of a cheerleader's Snapchat post, it ruled 8 to 1 for the student but said schools may still act on some off-campus speech, such as threats (PBS NewsHour, June 23, 2021). In early 2026, students in Indiana and other states walked out of class to protest federal immigration enforcement. Schools responded differently. Some counted it as an unexcused absence, and one high school gave one-day suspensions (Chalkbeat Indiana, February 11, 2026).

? **Stop and think.** If the poster had Anika's name and no school logo, what would change?

This page continues page 223. The notes for both pages are on the sheet for page 223.

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. There is a margin at the top, and the bottom edge of the paper has rounded corners. The paper appears to be from a notebook or a set of legal pads.

This page continues page 223. The notes for both pages are on the sheet for page 223.

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

➤ The poster's message, with the school logo at the top and no student name.

What it leaves out

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

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

➤ Students may post on two boards if the office approves and a name appears.

What it leaves out

➤ What happens to posters that break the rule, and any rule about leaving class.

Case 12 | Look at the evidence | Grades 9–10 educator edition

🕒 Pacing

Full chapter: 8 min.

✂ Short on time: 8 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

One person thinks Tinker protects a walkout. Another is unsure what the plan is.

What it leaves out

What the school’s attendance policy says about leaving class.

What is still missing from the evidence?

We don’t know what the attendance policy says about leaving class. We also don’t know if the school has objected, or what process comes before any discipline.

Notes

Case 12 | Look at the evidence | Grades 9–10 educator edition

⌚ Pacing

Full chapter: 4 min.

✂ Short on time: 4 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 8 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: 8 min.

✂ Short on time: 2 min. Read the second paragraph of the key idea aloud. Skip the rest.

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 ____, because ____.

➤ Candid advice would say Tinker does not settle a walkout, because leaving class is conduct under the attendance rule.

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 228. The notes for both pages are on the sheet for page 228.

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 main office's view is missing. I would ask whether the office approved the poster and what the attendance policy says about walkouts.

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 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

➤ C. It separates the speech from the conduct. A goes too far, because Tinker was about silent armbands. B goes too far the other way, because Tinker recognized student speech rights.

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

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

Rewrite phrase 2

➤ Wear blue Thursday. A walkout means leaving class, which the attendance rule covers.

⌚ Pacing

Full chapter: 5 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 9—10

Your task

On your own Read the steps. Fill in the planner boxes before you start your draft. About 8 minutes.

Write a fact-pattern brief comparing Tinker with the wear-blue plan and the walkout.

Use: Tinker summary and the U.S. Courts walkout scenario.

You'll make: Brief, 300—400 words

Time: 50 minutes

- 1 List the facts of Tinker: who acted, what they did, where, and what the school did.
- 2 Make a chart with three rows: the poster, the wear-blue plan and the walkout.
- 3 Add the action, the place and the school rule for each row, using Evidence A, B and C.
- 4 Mark the row that matches Tinker's facts most closely.
- 5 Name one missing fact for each row, such as what the attendance policy says.
- 6 Write your brief of 300 to 400 words. Start on the Your draft page.

Prefer typing? Scan to open the online workspace.

The poster: action, place, rule

➤ A poster with the school logo and no name, on a school board; the posting policy.

Wear-blue plan: action, place, rule

➤ Wearing blue on Thursday at school; no clothing rule is known.

Case 12 | Your task | Grades 9—10 educator edition

⌚ Pacing

Full chapter: 8 min.

✂ Short on time: 8 min.

💬 Say this

“Fill in the chart before you write a word of the brief. Which row matches Tinker best?” — Give two minutes of silent work, then hear answers.

👁 Watch for

Misconception: Students treat the walkout and the armbands as the same because both are protests.

Listen for: “A protest is a protest.” **Then:** Ask what the Tinker students did during class. They stayed. Walkout students leave.

📄 Support

- Brief template: facts, rule, application, open questions
- Model application paragraph
- Model one row aloud: the wear-blue plan, at school, no clothing rule known.

➡ Stretch

- Identify what additional facts you'd need about the attendance policy.

🔥 Heat check

■□□ Low.

📋 Standards

Common Core: RI.9-10.1; W.9-10.2; W.9-10.5; SL.9-10.1.c; SL.9-10.1.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.

- ## A strong response:

Your draft

On your own Write your draft in the boxes. Use your planner from the page before. About 20 minutes.

Facts of Tinker

👉 In *Tinker v. Des Moines (1969)*, public-school students wore black armbands to protest the Vietnam War. The school suspended them.

Rule

👉 Students keep free-speech rights at school unless their expression would substantially disrupt school or invade others' rights.

Application to the three actions

👉 The wear-blue plan matches Tinker most closely. It is quiet, and nobody leaves class, so Tinker probably protects it. The walkout is different. The message may be similar, but leaving class is conduct covered by the attendance policy, so Tinker alone does not answer it. The poster raises a third question. It shows the school's logo and no student name, so it may look like school speech.

Open questions

👉 We don't know what the attendance policy says, whether the office approved the poster or whether the school has any rule about clothing.

Pacing

Full chapter: 20 min.

✂ Short on time: 20 min.

Say this

“Your application paragraph should use the word “because” at least twice.” — Each “because” should connect a fact to the rule.

Watch for

Misconception: Briefs promise an outcome. **Listen for:** “The school will lose in court.” **Then:** Swap “will” for “probably,” and name the fact that is still missing.

Support

- The overprinted sample is a condensed brief that fits this page. Full briefs run 300 to 400 words.

👉 Answer key

What to notice in the sample:

- States the rule with its limit, which many first drafts leave out.
- Says “probably” instead of promising a legal outcome.
- Separates speech from conduct.
- Names the exact missing fact that would decide the walkout question.

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 brief state Tinker’s rule, including its limit on disruption? ☒ Yes ☐ No

Does it treat the walkout as a separate question from the poster and the wear-blue plan? ☒ Yes ☐ No

Does it name at least one missing fact, such as what the attendance policy says? ☒ Yes ☐ No

Does it avoid promising what a court or the school would decide? ☒ 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 briefs 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 brief is scored with the case rubric, with a specific check that speech and conduct are separated and that missing facts are named rather than assumed.

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?

➤ If wearing blue came with leaving class, or caused a substantial disruption, the plan would no longer match the quiet armbands.

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

➤ If readers think the school is speaking, the school has more say over the message. The logo photo creates that impression.

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

➤ It would meet the handbook's name rule and read as student speech, so Tinker would be the better comparison. It would still need office approval.

My take

My claim: ____.

➤ Tinker fits the wear-blue plan, but it does not settle the walkout.

The best evidence is ____, because ____.

➤ The Tinker facts, because the armbands were silent and nobody left class.

⌚ Pacing

Full chapter: 8 min.

✂ Short on time: 3 min. Use question 1 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

Someone who disagrees might say ____.

☞ Any protest at school is protected, so a walkout is too.

I would change my mind if ____.

☛ The attendance policy allowed students to leave class for a protest.

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.

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 9–10 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.