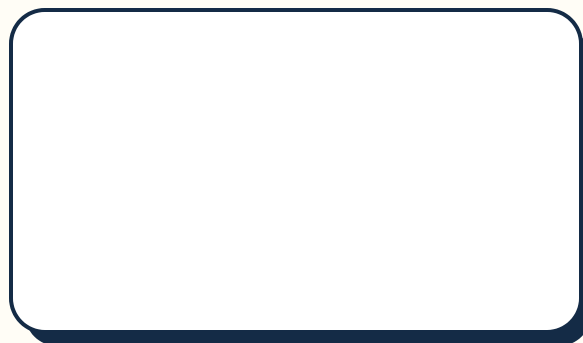


Case 12: When can a school limit what students say?

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

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



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

Your role: You're the one who compares Tinker with each action before anyone says "can't touch us."

New skill: Apply a precedent by comparing fact patterns.

What happened

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

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

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

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

Key terms

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

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

En español: precedente

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

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

En español: conjunto de hechos

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

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

En español: alteración sustancial

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

Who is involved



Anika

Made the poster

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



Mateo

Did the photo and layout

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

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

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

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?

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?

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

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

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

Real source | Chalkbeat Indiana | February 11, 2026

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 no handwriting or other markings on the paper.

Look at the evidence

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

Evidence A | Poster

Anika’s poster, first version

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

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

What it shows

What it leaves out

Evidence B | Handbook policy

Student handbook, page 14

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

Look closely: Underline the two requirements for every poster.

What it shows

What it leaves out

Look at the evidence, continued

Evidence C | Group chat

The walkout message

Wednesday, 9:02 p.m.

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

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

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

What it shows

What it leaves out

What is still missing from the evidence?

Notes

Key idea: precedent

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

Professional standards, continued

Your answer

Candid advice would say ____, because ____.

In the news



Real source | PBS NewsHour | April 28, 2021

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

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



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

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

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

Notes

Sort the evidence

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

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

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

Still open

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

Whose perspective is missing?

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

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

Practice: choose a response

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

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

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

Why I chose it

Improve a draft

A student’s first draft

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

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

Rewrite phrase 1

Rewrite phrase 2

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

Wear-blue plan: action, place, rule

Your task, continued

Walkout: action, place, rule

Closest match to Tinker

One missing fact for each row

Notes

Your draft

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

Facts of Tinker

Rule

Application to the three actions

Open questions

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.

One change I made after feedback

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

Questions to discuss

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

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.

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.