



TEACHER FIELD GUIDE

Legal concepts

A protest is not one legal question

When does a school get to limit what students say?

Students speak up at school through shirts, posters, walkouts and posts, and they often hear either “you have free speech” or “you have no rights here.” Both are too simple, and knowing how precedent really works helps students speak effectively without walking into avoidable trouble.

WHAT STUDENTS MAKE

Chart plus 3–5 sentences

THE CIVIC IDEA

Words that do the work.

Precedent Precedente

An earlier court decision that guides later cases with similar facts.

Tinker v. Des Moines (1969) guides public-school speech, but only as far as the new facts match.

Constitutional right Derecho constitucional

A protection from the Constitution that limits what government, including public schools, can do.

The First Amendment limits Anika's public school. A private school isn't bound the same way.

Substantial disruption Perturbación sustancial

Tinker's test: a public school may limit student speech if it would substantially disrupt school or invade others' rights.

Wearing blue Thursday is quiet like the armbands. Leaving class mid-period is conduct under an attendance rule.

School-sponsored speech Expresión patrocinada por la escuela

Speech that looks like it comes from the school, which schools can regulate more (Hazelwood, 1988).

Mateo notices the poster's school-logo photo makes it look like an official announcement.

Due process Debido proceso

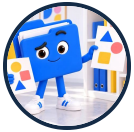
Fair procedures before a penalty; for short suspensions, notice and a chance to tell your side.

If a school disciplines a student, asking "what rule, and can I explain?" is a procedural question.

Fact pattern **Hechos del caso**

The specific facts of a situation: who, what, where, when and under which rule.

Mari lists the expression, location, timing and the school's posting policy before reaching any conclusion.



PAUTA

§ Tinker covers public schools. A private school isn't bound by the First Amendment the same way.



Mira, the feeling is real. But “free speech, end of story” isn't a fact pattern. What happened, where, and under whose rule?

THE EVIDENCE

Handle the case file.

Every artifact comes with a question. The captions are the lesson.

DRAFT

TUESDAY, PRINTED AT 3:15 P.M.

Anika's poster, first version

- 1 Who does this poster look like it comes from?

NOTICE

CURRENT SCHOOL YEAR, P. 14

Student handbook: posting policy

- 2 Where are student posters allowed, and who approves them?

CHAT

WEDNESDAY, 9:02 P.M.

Group chat suggesting a walkout

- 3 Which part is expression, and which is leaving class?

**LUPA**

⦿ The armbands were silent and caused no substantial disruption. That's the fact the ruling leaned on.

THE WORKSHOP

45 minutes, block by block.

5 MIN

The slogan

TEACHER

Write on the board: “Tinker means nobody can face consequences for walking out.”

STUDENTS

Agree, disagree or unsure, with one reason.

CHECK

Students commit to a position before reading.

10 MIN

Read the precedent

TEACHER

Read the U.S. Courts Tinker summary aloud: facts, ruling, reasoning.

STUDENTS

Fill a fact-pattern card for Tinker: expression, place, school action, reason.

CHECK

Cards name armbands, public school, suspension, no substantial disruption.

12 MIN

Compare fact patterns

TEACHER

Introduce Anika’s poster, the wear-blue plan and a friend’s walkout idea.

STUDENTS

Build a three-column comparison and mark which facts match Tinker.

CHECK

Students separate quiet expression from leaving class.

8 MIN

The logo problem

TEACHER

Explain school-sponsored speech (Hazelwood) in one minute.

STUDENTS

Decide what to change so the poster reads as student speech, not an official notice.

CHECK

Revisions remove the logo photo or add a clear student byline.

7 MIN

Draft the next questions

TEACHER

Model: “Which rule is the school citing, and what process follows?”

STUDENTS

Write two questions for a school contact about the posting policy.

CHECK

Questions are about specific rules and procedures, not slogans.

3 MIN

Exit

TEACHER

Frame: “A fact that would make Tinker less useful here is __.”

STUDENTS

Complete the frame.

CHECK

Answer names a changed fact like conduct, sponsorship or private school.

DIFFERENTIATED ROUTES

One case. Seven ways in.

Each route changes what students read, make and prove, not only how long it takes.

MIDDLE SCHOOL

Grades 6–8: Make a two-column chart comparing the Tinker armbands with Anika’s wear-blue plan, then explain one way they’re alike and one way they’re different.

SOURCES

The U.S. Courts Tinker summary (read aloud) and the poster description.

PRODUCT

Chart plus 3–5 sentences

RAISES THE RIGOR

Add a row for the walkout idea and explain why it raises a different question.

Supports

- Picture cards: armband, blue shirt, poster, empty classroom
- Frames: “Both __. But __.”
- Vocabulary: precedent, disruption, rule
- Discussion before writing

Success looks like

- ☐ Describes Tinker’s facts accurately
- ☐ Names one similarity and one difference
- ☐ Separates the message from leaving class
- ☐ Avoids “you can say anything” or “you have no rights”

HIGH SCHOOL

Grades 9–10: Write a fact-pattern brief comparing Tinker with the wear-blue plan and the walkout.

SOURCES

Tinker summary and the U.S. Courts fictional walkout scenario.

PRODUCT

Brief, 300–400 words

RAISES THE RIGOR

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

Supports

- Brief template: facts, rule, application, open questions
- Model application paragraph

Success looks like

- ☐ Rule from Tinker stated accurately
- ☐ Applies it to both fact patterns
- ☐ Distinguishes speech from conduct
- ☐ Names missing facts

HIGH SCHOOL

Grades 11–12: Write a legal-reasoning essay: how would Tinker, Hazelwood and Mahanoy each bear on a version of Anika's poster?

SOURCES

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

PRODUCT

Essay, 600–750 words

RAISES THE RIGOR

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

Supports

- Case comparison table
- IRAC template

Success looks like

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

HIGH SCHOOL

Honors: Moot court: argue for the school or for Anika on whether the school may remove the logo version of the poster.

SOURCES

Tinker and Hazelwood summaries.

PRODUCT

4-minute oral argument plus 1-page written outline

RAISES THE RIGOR

Prepare for questions from justices that change one fact.

Supports

- Role cards: student counsel, school counsel, justices
- Argument outline

Success looks like

- ☐ Clear thesis tied to precedent
- ☐ Responds to hypothetical questions
- ☐ Uses facts precisely
- ☐ Respects the opposing side's best point

AP ENGLISH LANGUAGE

AP Lang: Rhetorically analyze a passage from Justice Fortas's majority opinion in Tinker.

SOURCES

The “schoolhouse gate” passage and surrounding paragraph.

PRODUCT

Rhetorical analysis, about 500 words, 40 minutes

RAISES THE RIGOR

Explain how the opinion balances student rights with school authority for multiple audiences.

Supports

- Close-reading guide
- Commentary frames about purpose and audience

Success looks like

- ☐ Thesis on the opinion's purpose and strategy
- ☐ Analyzes diction and structure with quotations
- ☐ Considers several audiences
- ☐ Commentary explains effect

MIDDLE YEARS

IB MYP: Investigate “How free is student expression?” and produce a comparison presentation of two countries’ approaches.

SOURCES

Case sources plus one teacher-provided source on student expression in another country; global context: Fairness and development.

PRODUCT

5-slide presentation plus speaker notes

RAISES THE RIGOR

Explain how differences in law and culture shape school rules.

Supports

- Inquiry statement frame
- Slide template
- Source-evaluation checklist

Success looks like

- ☐ Clear research question
- ☐ Accurate U.S. content
- ☐ Evaluates sources
- ☐ Compares thoughtfully without ranking cultures

DIPLOMA

IB DP: Write a perspectives essay on legitimacy: who should decide the limits of student speech — courts, schools or students?

SOURCES

Tinker summary including the dissent's concern about school discipline.

PRODUCT

Essay, 800–1,000 words

RAISES THE RIGOR

Evaluate both the majority and the dissent before taking a position.

Supports

- Perspective map
- Key-concept prompts: legitimacy, power, liberty

Success looks like

- ☐ Represents majority and dissent fairly
- ☐ Analyzes legitimacy and power
- ☐ Reaches a reasoned position
- ☐ Reflects on own perspective

Access for every learner

- Provide an illustrated two-page Tinker summary
- Read case summaries aloud and pause for paraphrase
- Spanish vocabulary: precedente, expresión, perturbación, política escolar
- Allow oral responses or a chart instead of a paragraph
- Reduce to one comparison: armbands vs. wear-blue

Extension

- 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*

**DUDA**

❓ Does the logo photo make this look like the school is speaking?

ANNOTATED STUDENT WORK

What a draft shows us.

Can the school take down Anika's poster? Explain using *Tinker*.

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. ⁵ The poster is just saying the library should stay open at lunch ² which is not hurting anybody. We even used a nice photo of the school sign so it looks professional. ³ 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 ⁴ walk out if they try.

¹ **EVIDENCE** True in part. Add the limit: unless it substantially disrupts school or invades others' rights.

² **STRENGTH** Good instinct, but connect it to *Tinker*'s actual test.

³ **GAP** That's a legal conclusion. The school's reason and policy aren't known yet.

⁴ **GAP** Leaving class is conduct under an attendance rule. *Tinker* doesn't settle that.

⁵ **AUDIENCE** What about the school-logo photo? It may look like official school speech.

REVISED

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.

ASSESSMENT

One-page rubric.

Mark the evidence you see. Leave room for a comment and a next step.

CRITERION	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.

Evidence I saw

Next step

STANDARDS

What this case teaches, by the book.

CCSS 6–8

4

RH.6–8.2 Students summarize the Tinker facts and holding from the U.S. Courts summary.

RI.8.8 Students evaluate whether “free speech, end of story” is supported by the case.

W.8.1 Students argue whether the Tinker precedent fits the wear-blue plan and the walkout.

SL.8.1 Students discuss the poster in a structured seminar, qualifying views with new evidence.

CCSS 9–10

4

RH.9–10.2 Students summarize the Tinker decision’s central idea accurately.

RI.9–10.8 Students evaluate the reasoning in a friend’s claim that Tinker protects every walkout.

W.9–10.1 Students write an argument comparing two fact patterns with the precedent.

SL.9–10.3 Students evaluate a speaker’s reasoning and identify exaggerated claims.

CCSS 11–12

3

RI.11–12.8 Students evaluate the reasoning in the Tinker majority opinion and the dissent.

RH.11–12.9 Students integrate Tinker, Hazelwood and the U.S. Courts fictional walkout exercise.

W.11–12.1 Students argue how the precedents apply to the poster, with counterclaims.

C3 Framework

4

D2.Civ.8.6–8 Students analyze how the First Amendment shapes student life at public schools.

D2.Civ.4.9–12 Students explain how constitutional limits on government are still contested in schools.

D2.Civ.10.9–12 Students analyze the role of personal perspective in applying constitutional rights.

D3.4.9–12 Students refine claims and counterclaims about how the precedent applies.

AP English Language**3**

Claims and Evidence (CLE) Students evaluate how the Tinker majority supports its claim with the record of no disruption.

Reasoning and Organization (REO) Students trace the line of reasoning from facts to rule to conclusion.

Rhetorical Situation (RHS) Students revise the poster for its audience: classmates, staff and administrators.

IB MYP**3**

Individuals and Societies A: Knowing and understanding

Individuals and Societies D: Thinking critically Students evaluate how the 1969 precedents fits a fact pattern

Language and Literature C: Producing text Student redesigns the poster so it is clearly student speech.

IB DP

2

Global Politics — key concepts: liberty, rights and legitimacy

Students analyze the balance between student liberty and a school's authority.

Theory of Knowledge — Knowledge and politics (optional theme)

Students ask how courts produce shared knowledge about rights through precedent.

TAKE IT OFF THE PAGE

Read your school's expression policy before you print.

1. Find your student handbook's section on posting, dress or expression
2. Write down which spaces allow student posters and whether approval is needed
3. Make student-made materials clearly student-made, with no school logo
4. 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

STAY SAFE

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



NEXO



Leaving class brings in the attendance rule. Same message, different legal question.