

Free to Speak in Schools (Adapted from [Faces of Freedom in American History](#) p. 28-35)

Critical Engagement Question: How does the First Amendment protect freedom of speech?

Background: Students should have prior knowledge of the Five Freedoms of the First Amendment. Speech, both verbal and symbolic, has been restricted in school settings according to a number of Supreme Court cases discussed in this lesson.

Objectives:

Students will

- *understand the concept of symbolic speech
- *appreciate First Amendment rights and responsibilities in school
- *analyze the evolution of *Tinker v. Des Moines* (1969), *Bethel School District v. Fraser* (1986), *Hazelwood School District v. Kuhlmeier* (1988), *Morse v. Frederick* (2007)

Standards:

NCHS – Era 3, Standard 3, Era 10, Standard 2
CCE: 11A1, 11A2, 11C1, 11D3, VB2
NCSS: Strands 5,6, and 10
(as of 2006)

Resources:

Case summaries and student worksheets for each of the following cases:
Texas v. Johnson (1989) – one for each student
Tinker v. Des Moines (1969) – ¼ of students
Bethel School District v. Fraser (1986) – ¼ of students
Hazelwood School District v. Kuhlmeier (1988) – ¼ of students
Morse v. Frederick (2007) - ¼ of students

Grade Level and Time Frame:

Designed for a 50 minute class period of 10th graders. Easily adapted to lower and higher levels. Lesson could take 2 class periods or expanded to 3-4 class periods.

Introduction Assignment:

Homework the night before lesson : [Students read FBISD 8th grader suspended after wearing rosary to school article](#) from [Freedom in the News](#) posting. Article dated January 11, 2011. In the first space provided students write their own “Blog Posting” reaction to the article.



FBISD 8th grader suspended after wearing rosary to school

by Rucks Russell / 11 News

khou.com

Posted on January 11, 2011 at 5:59 PM

Updated Tuesday, Jan 11 at 7:36 PM

HOUSTON — A middle school student believes the Fort Bend Independent School District has violated her rights, and now she wants an apology. Jonae Devlin, 14, was suspended from Hodges Bend Middle School after wearing a rosary to the school.

“I never get in any trouble like this,” said the 8th grader. Devlin said she wore the rosary because it reminds her of her late grandmother who was a practicing Catholic.

“It reminds me of all the love she had for me,” Devlin said. Devlin said the principal ordered her to remove the rosary just before the winter break.

“She said, ‘I’m going to give you the choice to take it off or be suspended,’ and I said, ‘You might as well suspend me,’” Devlin told us.

“I’m angry because of the way they’re treating students,” said Sherell Johnson, Devlin’s mom.

According to the district’s student dress code, openly wearing a rosary violates school policy.

Some gang experts have associated the rosary with gang activity.

“The rosary can be a sign of gang involvement,” said Victor Gonzales, the Director of the Houston mayor’s Anti-Gang Task Force. “Schools are just worried about safety.”

Both Devlin and her mom claimed they had no idea about the policy. FBISD officials insist the dress code was spelled out to both parents and children during a series of seminars at the beginning of the school year. District officials said

they stood by the decision to discipline Devlin. But Devlin doesn’t think it was fair. “Everyone who wears a rosary is not in a gang,” she said.

[Add another comment](#)

#1

#2

#3

Day 1:

First activity when class begins : Students exchange their homework with another student. Student reads “Blog Posting” and respond with their own blog in space #2. Repeat with another student for space #3. (May need to remind students to be appropriate but can be written in an informal, blog-type manner)

Class Discussion : Students share their own responses and their blog postings.

Suggested discussion questions :

What reasons does a student have for wearing a rosary?

What reasons does a school administrator have for suspending a student like this?

Are there other items that students are restricted from wearing/displaying?

Why do you think the administration does this?

Does this fall under a citizens First Amendment rights?

Class Work : Symbolic Speech – Each student read and respond to *Texas v. Johnson* (1989) reading and questions (adapted from Faces of Freedom in American History curriculum)

Class Discussion : either in small groups or as an entire class, discuss worksheet questions.

Whole class stands activity : Student that believe burning the flag is a form of speech protected by the First Amendment, go to right side of room, those who do not, go to left.

Whole class reads summary of decision. Whole class creates a list (on board or paper) of examples of Symbolic Speech. Make sure class fully understands the concept. (this part could be cut down into a simple teacher-lead discussion of symbolic speech if time is an issue)

Divide class into four groups.

1. *Tinker v. Des Moines* (1969)
2. *Bethel School District v. Fraser* (1986)
3. *Hazelwood School District v. Kuhlmeier* (1988)
4. *Morse v. Frederick* (2007)

Homework : Each student gets a reading and worksheet with their assigned case. The readings are summaries of the cases with decisions. Teacher is able to differentiate instruction based on length and reading level of each case summary. *Tinker* is least difficult and *Morse* would be most difficult. Assign for homework. (this step could be cut due to time restrictions and teacher could present summaries of each case or more time can be spent on each of the four cases as a class or in groups)

Day 2:

Teacher checks in homework questions.

Students sit in 4 groups with students of the same Supreme Court case. Spend 10 minutes discussion; compare, contrast and collaborate on answers.

Teacher hands out “Flow Chart.” As a group, students decide on key information regarding their case. Be sure that students fill information out under the correct section.

Rework groups – Teacher directs students into groups of 4. Each group has one representative from each Supreme Court case. Students move through each case and exchange information. Encourage students to ask each other specific questions and discuss the cases. After each group is finished filling out the flow chart, they should move on to the two Big Idea questions. Discuss and answer collectively.

1. How have First Amendment rights for students in schools “flowed” throughout the years? More liberal/Conservative? Evolved with society?
2. With this new knowledge of Supreme Court decisions, does the school administration have the right to restrict what you wear? Rosary? T-shirt sayings? Colors? Etc.

Final Activity – As a class discuss answers. Confirm the final decisions in the cases to make sure students understand the restrictions on their rights.

- Students do not “shed their constitutional right to freedom of speech or expression at the school house gate.” (*Tinker*)
- “the constitutional rights of student in public school are not automatically coextensive with the rights of adults in other settings.” (*Bethel*)
- Promotion of illegal drug use can be banned in schools. (*Morse*)
- Question remains – can any speech that the administration believes to interfere with the educational mission of the school be banned???

Follow up activity – Discussion or information on Homewood-Flossmoor High School’s 2005 situation with t-shirts and homosexuality. Seen in an Exhibit on the Freedom Express.

Name:

Period:

Tinker v. Des Moines (1969) Questions

1. What happened to bring the case to court? (the Facts of the case)

2. How did the school district explain its actions?

3. Where the armbands a form of speech protected by the First Amendment? Explain.

4. If so, did the school district have the power to restrict that speech in the interest of maintaining order in the school?

5. Now, get a copy of the Decision Summary from your teacher.
What was the decision?

Agree or disagree?

Name:

Period:

Texas v. Johnson (1989) Questions

1. What happened to bring the case to court? (the Facts of the case)
2. How did the state of Texas explain its actions?
3. Is flag burning as political protest a form of speech protected by the First Amendment?
4. If so, was Texas's interest in maintaining order and preserving the flag more important than Johnson's right to express himself through symbolic speech?
5. Now, read the Decision Summary.
What did the court decide?

Do you agree? Why/not?

Name:

Period:

Morse v. Frederick (2007) Questions

1. What happened to bring the case to court? (the Facts of the case)

2. How did the school explain its actions?

3. Was the banner a form of speech protected by the First Amendment?

4. If so, did the school have the right to restrict that speech in the interest of maintaining order in the school?

5. Now, read the Decision Summary.
What did the court decide?

Do you agree? Why/not?

The Supreme Court: *Through the Years*

Name:

As a class we will trace the major Supreme Court cases that impacted **First Amendment Rights in Schools**. In the top box place the date and describe the issue of the case. Summarize the Majority Ruling and the Dissenting Opinion in the appropriate boxes. Add any important information in between the cases as needed. When you gathered and list all the key information, be sure to answer the reflection questions at the end.

Case:	
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Majority	Dissenting
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Case:	
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Majority	Dissenting
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Case:	
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Majority	Dissenting
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Case:

Majority

Dissenting

Discuss the following questions with your group. Then, write down a full and complete answer.

1. How have First Amendment rights for students in schools “flowed” throughout the years? More liberal/conservative? Have they evolved with society and historic events? Etc.

2. With this new knowledge of Supreme Court decisions, does the school administration have the right to restrict what you wear? Rosary? T-Shirt sayings? Colors? Hats, hoodies? Etc. Explain your answer.