

Free Speech in Public Schools – from Tinker to Today
50-minute Program for Distance Learning

Program summary: Students meet and work with a judge to discuss the students’ right to free speech in public schools and participate in a scripted Supreme Court oral argument for Tinker v. Des Moines Independent School District. Students and the judge then apply Tinker to other student speech situations.

Program goals:

1. Develop an understanding of students’ right to free speech and expression in public schools.
2. Consider the students’ right alongside the schools’ educational purpose.
3. Practice oral communication and critical thinking skills.
4. Meet and learn from a federal judge.

Time	Activity
(5 mins.)	<p>Welcome!</p> <ul style="list-style-type: none"> • Brief introduction from judge
(10 mins.)	<p>Student Expression in Public Schools – Initial Thoughts</p> <ul style="list-style-type: none"> • Judge asks students preliminary questions to break the ice and start conversation on the issue of free speech in public schools. • (1) What does freedom of expression and speech mean to you? • (2) Do you believe those rights have limits? • (3) What do you believe is the purpose of schools and public education? • (4) By a show of hands, have you seen a disruption in a classroom and, (if a student is willing), what was the effect of the disruption on the classroom? • (5) By a show of hands, are you familiar with the Supreme Court case <u>Tinker v. Des Moines Independent School District</u> (black armband to protest the Vietnam War)? • Judge sets up the scripted oral argument that follows. • Judge forecasts that after the scripted oral arguments, the judge and students will apply the lessons of <u>Tinker</u> to other student speech situations – in a speech for class government, in a school newspaper, and outside of school.
(25 mins.)	<p>Mr./Ms. Chief Justice, May it Please the Court</p> <ul style="list-style-type: none"> • Students participate in a scripted oral argument for <u>Tinker</u>. • There are speaking roles for: (8) Associate Justices, (1) Chief Justice, (4) Attorneys for the Students, (4) Attorneys for the School District. <i>Students will already have their assigned roles & the script. Students will have highlighted their speaking parts. Make sure students who have speaking roles can all be seen on camera at once. Teacher will have set up desks for the justices to serve as a “bench.”</i>

	<ul style="list-style-type: none"> • Remind the rest of the students that after the oral argument they will discuss with the judge how <u>Tinker</u> applies to other student speech situations. • Begin scripted oral argument.
(10 mins.)	<p>How Far Can a School Go? Food for Thought</p> <ul style="list-style-type: none"> • The students who did not have a speaking role in the oral argument are expected to participate in this portion (and, of course, all other students are welcome). • Judge asks for a volunteer to summarize the ruling in <u>Tinker</u>. Do the students think the Supreme Court got it right in <u>Tinker</u>? • Judge poses hypothetical based on <u>Fraser</u>. What do the students think? • Judge poses hypothetical based on <u>Hazelwood</u>. What do the students think? • Judge poses hypothetical based on <u>Mahanoy Area School District</u>. What do the students think? What are the possible implications if schools could limit students' off-campus speech?