**Arguments in Favor of Expression**

We the School

**Directions:**

- Taking our online nationwide poll
- Interest in deliberating current events in your classroom
- The National Constitution Center and associated designs are trademarks/registered trademarks of the National Constitution Center. Permission is
- Cyberspace as a public forum
- An opportunity for students to engage in public discourse
- A way to educate students about democratic values
- The role of the First Amendment in the context of the American educational system

**Implications:**

- The First Amendment guarantees freedom of speech and freedom of the press.
- It protects the right to think and talk about controversial issues.
- It ensures that students have the right to express their opinions without fear of censorship.
- It helps to foster a culture of critical thinking and democratic participation.

**Other Findings:**

- The Supreme Court has interpreted the First Amendment to include a variety of forms of expression, including
- The right to criticize public officials and institutions
- The right to advocate unpopular causes
- The right to engage in political and social commentary

**Conclusion:**

The First Amendment protects students' rights to express their ideas and opinions in the classroom and online. It is essential for maintaining a free and democratic society.
What is the right balance between freedom of expression and censorship in schools? The First Amendment to the U.S. Constitution protects a citizen's right to speech, thought, and conscience against state control. For students, however, speech has been limited in order to ensure a safe learning environment. The U.S. Supreme Court in *New Jersey v. T.L.O.* held that "the rights of students in public school are not automatically coextensive with the rights of adults in other settings." Yet, Justice Abe Fortas reminds the public in *Tinker* that neither students nor teachers "shed their constitutional right to freedom of speech or expression at the schoolhouse gate." How does this same general standard apply to students' speech in cyberspace?

Social networking sites like Facebook, Myspace, Twitter and YouTube have made it simple for users to immediately publish content to connect and communicate with people all over the world. A recent report published by Pew Research Center reported that over 93% of teenagers go online and 73% of online teens use social networking sites. But the public is struggling to balance this newfound freedom of expression with the necessity to keep students safe. There is a growing plethora of cases regarding students' use of social networking sites to bully others, publically express their grievances about a particular teacher and/or grade, coordinate fights, set up accounts in order to pose as someone else, and publish lewd photos of themselves and others. These issues and others have lead to the disruption of the school environment and, in some cases, teenage suicide.

On the other hand, social networking sites have led to a series of important developments for education. Social networking sites have become an avenue for connecting students from all over the globe, building relationships and communities faster and more effectively than any other medium. Social networking sites have been extremely useful for keeping students informed about current events and politics as well as encouraging and facilitating civic and political activism. Social networking sites have also become a channel for personal expression, making it possible to create positive self-images—a challenge for many teenagers.

The nature of online speech has refocused the debate over students' protected speech at school, raising the question of whether school officials may discipline students for online speech published off-campus. In this new electronic world in which geographic boundaries are unclear, what is the difference between inside and outside the "schoolhouse gates?" The general rule that many courts have upheld in practice is that students can be disciplined for activities that happen outside of school if the school can prove the activities were disruptive or posed a danger, and that it was foreseeable the activities would find their way to campus. Some civil rights advocates worry about instances when out-of-school, online student behavior does not disrupt the learning environment and yet students are still censored, even reprimanded. What is the line between censoring disruptive behavior and protecting students' fundamental right to freedom of expression? Do your school's cyberspace policies strike the right balance between censorship and expression?

Should students’ cyber speech be protected under the First Amendment?

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

— First Amendment to the U.S. Constitution

“In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views.”

**WE THE PEOPLE**

Our country faces enormous challenges both foreign and domestic. We need citizens who believe that democracy works, who take part, who make their voices heard. At the Constitution High School in Philadelphia, the people, for the people…

**LEXINGTON, MA NOVEMBER 18, 1775**

…government of the people, by the people, for the people...

**CAMBRIDGE, OCTOBER 1701**

...government of the people, by the people, for the people...

**BEAR DOWN...**

The exchange is a free dynamic way to help school students to discover how they feel in their classrooms and other parts of the country with important constitutional issues facing the nation.

**NEWS UPDATE ALEXANDER HAMILTON**

Imagine a school government that provides students with avenues to engage meaningfully in civic discourse. Constitution High’s Blueprint for a Democratic School Government:

**Constitution Connections:**

- National Endowment for the Humanities: Because we believe in the power of the Constitution to inform the public, National Constitution Center has issued a new exchange for middle and high schools called “Constitution at the Crossroads.”
- The project is made possible by the National Endowment for the Humanities and the Ford Foundation.
- Visit the National Constitution Center’s website at: www.constitutioncenter.org

**NCSS Standards:**

- Content Standards for Social Studies/History
- Social Studies/History: The Constitution and Society
- Social Studies/History: The American Constitutional System
- Social Studies/History: The Federal System
- Social Studies/History: The Principles of Government
- Social Studies/History: American Democracy

**Constitution Connections:**

- www.constitutioncenter.org/exchange
- www.nahram.org
- www.nationalism.co.uk
- www.jpchistory.org

**Classroom Time:**

- 15 minutes

**Other Findings:**

- The exchange is available online at www.constitutioncenter.org/exchange
- Additional resources, such as lesson plans, student worksheets, and other materials, are available at the National Constitution Center’s website.

**QUESTIONS**

1. How does the Constitution affect your daily life?
2. How can you use the Constitution as a guide for understanding current events?

**About this Lesson**

We the School is an educational exchange that provides students with opportunities to engage meaningfully in civic discourse. Using the United States Constitution as a blueprint, this lesson’s activities and text are designed to encourage students to think critically about the development and function of our system of government. The Constitution issues addressed in this lesson are relevant to the lessons on the National Constitution Center’s website, and can be used as an introduction to the study of constitutional law and the American government.

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Arguments in Favor of Expression

Arguments in Favor of Expression

Arguments in Favor of Censorship

Directions:

Having protected in Tinker v. Des Moines

"substantially interferes with the educational process

School enforced a rule prohibiting conduct which

observers believed was a graphic sexual metaphor

office. In his speech, Fraser used what some

activities or collide with the rights of others.

School officials learned of the impending protest and

that Fraser's use of a sexual innuendo in his speech

materially interfered with activities at Bethel High

School. While the students' reaction to Fraser's

speech may fairly be characterized as boisterous, it

unpleasantness that always accompany an unpopular

expression of opinion, it must be able to show

justified her actions by citing the school's policy

banner and suspended Frederick for ten days. She

Frederick held up a banner with the message "BONG

in his grandmother's home. School officials discovered

the fact that Justin created the profile of Trosch.

conceded that the District was relying solely on

child when he/she participates in school sponsored

activities or collisions with the rights of others.

students and teachers may use the schools at their

9. Are schools entitled to prevent students from engaging in cyber speech?

Principal forces the newspaper club

JESUS" banner during an off-

See:

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WE THE PEOPLE

The First Amendment to the United States Constitution guarantees the freedoms of speech, press, religion, assembly, and petition to all American citizens. These freedoms are essential to a democratic society, as they allow citizens to express their ideas, beliefs, and opinions freely. In many cases, these freedoms are limited in public schools, but the Supreme Court has established guidelines for when such limitations are constitutional. The teacher is encouraged to have students conduct deeper research on the following landmark court cases:

- Bethel School District No. 403 v. Fraser (1986)
- Morse v. Frederick (2007)

Below are landmark U.S. Supreme Court cases that have impacted students' rights to free speech and assembly.

  - The Court found that it was appropriate for students to wear an armband to the school and allowed students to wear other symbols.
  - The Court held that school officials had the authority to regulate student speech.

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Directions:

1. Give students access to an online nationwide poll.
2. Have students complete the Town Hall Wall.
3. Have students post their comments on the National Constitution Center's new blog.
4. Invite students to participate in the live Internet webcast.
5. Have students take the online poll and post their views on the National Constitution Center's new blog.

POV STANDARDS:

- NCSS Standards: History • Civics and Government
- Grading: Grades 9-12

Beyond the Classroom:

- Teacher Resources
- Lesson Plan
- Print Resources
- Planning Guide
- Web Resources

STUDENT WORKSHEET 1 Censorship in Schools

Directions:

1. Read the documents, books, and web sites for more information on this topic.
2. Discuss as a class words or phrases you selected. The language for each phrase is already included.
3. Place your answers in the circles on the poster.

- Is there a difference between citizens' and students' right to expression? What is different about a school setting? When is a student expression landmark court case relevant?
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STUDENT WORKSHEET 2 Developing a Point of View

Directions:

1. What is a difference between citizens' and students' right to expression? What is different about a school setting? When is a student expression landmark court case relevant?
2. Review the information and compare it to your thoughts.
3. Use the ideas from the Town Hall Wall to support your point of view.
4. Write your own point of view.
5. Plan your argument.
6. Write your argument.
7. Print your argument.

LESSONS AND ACTIVITIES

- Oral argument: Counsel for the School District presented the case of Fraser.
- Oral argument: Counsel for the School District presented the case of Fraser.
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OPENING: TOWN HALL WALL

1. Review the questions and discussion on the previ

2. Review the questions and discussion on the previ

3. Review the questions and discussion on the previ

4. Review the questions and discussion on the previ

5. Review the questions and discussion on the previ

RESEARCH AND ASSESS: Identify the Constitutional Principles that Apply

2. Review the questions and discussion on the previ

3. Review the questions and discussion on the previ

4. Review the questions and discussion on the previ

5. Review the questions and discussion on the previ

PLAN OF ACTION: Take the Next Steps

1. Compare the opinions in this school setting to other opinions in your community.
2. Write your own point of view.
3. Print your argument.
4. Print your argument.
5. Print your argument.

“...government of the people, by the people, for the people”
**INTRODUCTION**

*...government of the people, by the people, for the people...*

**COMMUNITY JOINT MEET**  
**STUDENT HANDOUT 1 Court Cases**

**STUDENT HANDOUT 1 (cont.) Court Cases**

<table>
<thead>
<tr>
<th>Case</th>
<th>Decision in Favor of Expression</th>
<th>Decision in Favor of Censorship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tinker v. Des Moines Independent Community School District (1969)</td>
<td>Students have the right to freedom of expression</td>
<td>Schools have the right to control school activities</td>
</tr>
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**RESEARCH AND ASSESS: Identify the Constitutional Principles that Apply**

1. **Texas v. Johnson** (1968): Johnson burned the American flag in protest. The Supreme Court ruled that burning the flag was protected speech.

2. **Havens v. State of Iowa** (2007): Havens was convicted of making on-line threats against a school official. The Court held that making such threats is not protected speech.

**LESSONS AND ACTIVITIES**

1. **Town Hall Wall**
   - Open the Town Hall Wall to have students debate. Before they vote, have them discuss the question and debate the pros and cons.
   - Use the Town Hall Wall to have students vote on a resolution. After discussing their positions, have them explain their positions for or against the resolution.

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-15 min</td>
<td><strong>Schoolhouse Gate</strong></td>
<td>Students read the case and answer questions about it.</td>
</tr>
<tr>
<td>15-20 min</td>
<td><strong>National Standards for History</strong></td>
<td>Students discuss the national standards for history.</td>
</tr>
<tr>
<td>20-25 min</td>
<td><strong>Student Handout 1 – Court Cases</strong></td>
<td>Students read the court cases and answer questions about them.</td>
</tr>
<tr>
<td>25-30 min</td>
<td><strong>Student Handout 2</strong></td>
<td>Students complete the activities on the handout.</td>
</tr>
<tr>
<td>30-35 min</td>
<td><strong>Student Handout 3</strong></td>
<td>Students complete the activities on the handout.</td>
</tr>
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</table>

**COMMENTARY**

- **NCSS Standards**: A model of student government that involves students in making decisions using the United States Constitution as a blueprint.
- **Education for Citizenship**: A framework for using the Constitution as a blueprint for understanding our nation's government.
- **America's Journey to Independence**: A study of the events leading up to the American Revolution.
- **Constitutional Imperative**

**Student Worksheet 1 Censorship in Schools**

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Explain your reasoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>A student draws a cartoon of his teacher being shot.</td>
<td>Is this a form of expressive conduct that is protected by the First Amendment?</td>
</tr>
<tr>
<td>A student wears an armband to protest a war.</td>
<td>Is this a form of expressive conduct that is protected by the First Amendment?</td>
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<tr>
<td>A student makes a fake Myspace account with offensive content.</td>
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**Student Worksheet 2 Developing a Point of View**

<table>
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<tr>
<th>Statement</th>
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<tbody>
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<td>Students should be able to express ideas and opinions without fear of censorship.</td>
<td>Is this a form of expressive conduct that is protected by the First Amendment?</td>
</tr>
<tr>
<td>Students should not be able to express ideas and opinions that are harmful to others.</td>
<td>Is this a form of expressive conduct that is protected by the First Amendment?</td>
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**Contributors**

- **National Constitution Center**: Provides resources for teaching about the Constitution.
- **Constitution.org**: Offers a model of student government that involves students in making decisions using the United States Constitution as a blueprint.
- **American Historical Association**: Provides resources for teaching about the American Revolution.
- **National Council for the Social Studies**: Provides resources for teaching about the roles of the citizen in society.

**See** also: The National Constitution Center's blog, Constitution.org, and the National Constitution Center at http://www.oyez.org/ for more information.
INTRODUCTION

OPENING: TOWN HALL MEETING

1. Have a town hall meeting at your school. Before the event, have the students research and present on the pros and cons of same sex marriage. Have the students role-play opponents to the motion and the school board. Have the students engage in a public debate that simulates a town hall meeting.

2. Have students discuss the implications of the Supreme Court's decision on the Voting Rights Act and the Affordable Care Act. Have students develop a public presentation that explains the case and its significance.

3. Have students research and present on the implications of the Supreme Court's decision on the Affordable Care Act and the implications of the Supreme Court's decision on the Voting Rights Act.

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LESSONS AND ACTIVITIES

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STUDENT WORKSHEET 1 Censorship in Schools

Scenario:

1. A student draws a picture for a school newspaper. The picture is of a trusted teacher being shot by a student.

2. A student speaks at a school peace rally held on the school grounds. During his speech, the student makes allusions to war and violence.

3. A student wears an armband to school. The armband consists of a political message.

4. A student makes a sexual reference during her presentation.

5. A student posts a highly critical article about a school official on their personal website.

6. A student is suspended for 10 days after posting a fake MySpace profile.

7. A student is suspended for making threats to the school community.

8. A student is suspended for forwarding an email joking about the school's technology usage policy.

9. A student is suspended for making a post about a war the U.S. is fighting.

10. A student is suspended for posting a political statement on a school’s website.

Statement:

We support students' cyber speech rights under the First Amendment. Should students be able to freely express themselves in schools without censorship?

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**Arguments in Favor of Expression**

**Bethel School District No. 403 v. Fraser (1986)**

Directions:

Bethel School District No. 403 imposed a rule forbidding students from wearing armbands to school during the Vietnam War protests. The Supreme Court held that Bethel had no valid reason to restrict the armband protest, and that the District's actions violated the First Amendment's protection of free speech. Fraser was suspended from school for two days, but the Court did not order him to be reinstated. Fraser was not reinstated until after the Supreme Court ruled in his favor.

Implications:

- The Court held that school officials reasonably forecast that the speech will quickly adopt a no-armband rule (even though Mary Beth Tinker, who wore her armband for her viewpoint, was suspended for three days).
- The Court further stated that it can hardly be argued that either legislature or school officials have the power to impose on the students wearing armbands in the Bethel School District.
- The Court ruled that the restriction of students' free speech by the school in an "Alternative Education Program," and the prohibition of the use of vulgar and offensive terms in the school setting, is unconstitutional..

**Arguments in Favor of Censorship**


Directions:

Tinker was suspended from school for wearing black armbands on the shoulders to demonstrate sympathy for family members killed in the Vietnam War. The Court held that school officials reasonably forecast that the speech will materially and substantially disrupt the work and disciplinary control of the school and that students or teachers shed their constitutional rights to freedom of speech in the classroom. Tinker was suspended from school for three days, but the Court did not order him to be reinstated. Tinker was not reinstated until after the Supreme Court ruled in his favor.

Implications:

- The Court held that the First Amendment rights of students in public school are not as robust as those of adults under the same circumstances.
- The Court ruled that the restriction of students' free speech by the school in an "Alternative Education Program," and the prohibition of the use of vulgar and offensive terms in the school setting, is unconstitutional.
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**Student Handout 2 Developing a Point of View**

**Scenario:**

A student makes a statement about some issue during class.

**Question:**

A student makes a statement about some issue during class.

**Tasks:**

- Write a statement of your point of view.
- Give reasons for your position.
- Support your reasoning with evidence.

**Student Worksheet 1 Censorship in Schools**

**Scenario:**

A student makes a statement about some issue during class.

**Question:**

A student makes a statement about some issue during class.

**Tasks:**

- Write a statement of your point of view.
- Give reasons for your position.
- Support your reasoning with evidence.
Introduction

The Education Department, National Constitution Center

About This Lesson

The objective of this lesson is to explore the implications of Tinker v. Des Moines Independent Community School District (1969) and Hermitage School District v. Layshock (2007), two landmark cases in the United States that address the First Amendment rights of students.

Objective

The objective of this lesson is to explore the implications of Tinker v. Des Moines Independent Community School District (1969) and Hermitage School District v. Layshock (20007), two landmark cases in the United States that address the First Amendment rights of students.

Objectives

- Analyze the First Amendment rights of students in the context of school-related speech.
- Evaluate the role of school officials in regulating student speech.
- Understand the factors that influence the decision-making process in school-related speech cases.

Materials

- Student Handout 1 – Court Cases
- Student Handout 2 – Developing a Viewpoint
- Student Worksheet 1 – Censorship in Schools
- Student Worksheet 2 – Developing a Viewpoint
- Links to the documents used in this lesson and extension readings are available at the Teacher Resources section.

Implications:

- School officials cannot censor student speech unless school officials can show that the speech materially and substantially disrupted the work and atmosphere of the school.
- Students are entitled to freedom of expression and the interest in fair procedure protected by the Due Process Clause of the Fourteenth Amendment.
- Students are entitled to freedom of speech but must also consider the rights of others in the school community.

Other Findings:

- The Supreme Court ruled that a student armband did not materially interfere with school activities.
- The Supreme Court ruled that a student's social networking post did not materially interfere with school activities.

Conclusion:

- The lesson concluded with a discussion of the implications of the Tinker and Layshock cases for students and school officials.
- The students were asked to reflect on the case and its implications for their own school.

Plan of Action:

- The lesson concluded with a discussion of the implications of the Tinker and Layshock cases for students and school officials.
- The students were asked to reflect on the case and its implications for their own school.

References:

- National Constitution Center

The lesson concluded with a discussion of the implications of the Tinker and Layshock cases for students and school officials. The students were asked to reflect on the case and its implications for their own school.