



Constitution Day: The Importance of Tinker
By Chris Waugaman, teacher, Prince George High School (VA)
For the JEA Constitution Day Committee, 2011

Objectives: For students to use their understanding of the Tinker Supreme Court cases to demonstrate how to apply a Supreme Court ruling to other cases and situations they may encounter.

• COMPREHENSION	• PRACTICE	• APPLICATION	• REFLECTION
<ul style="list-style-type: none">• Tinker Case• Case Law• Argument• Precedent	<ul style="list-style-type: none">• Presentation• Decision-Making• Documentation	<ul style="list-style-type: none">• Use court findings• Make decisions on similar cases	<ul style="list-style-type: none">• Describe the process of applying 1st Amendment cases

Unit: Law and the Student Press
Lesson – Understanding of Supreme Court Cases: Tinker v. Des Moines,
Bethel v. Frasier, Morse v. Frederick

Lesson Time: Two 90-minute block classes

Class one – 30-minute instruction/45-minute activity preparation/15-minute review

Class Two – 90 minutes for presentations)

Lesson materials:

- This teacher's guide
- Tinker v. Des Moines PowerPoint
- Prior Review background

Resources/Equipment:

Handouts/Internet/Computer with PowerPoint

Part 1: (30 minutes) Introduction & Instruction:

The instruction aspect of this lesson includes instruction on *Tinker v. Des Moines*. Using the included PowerPoint, the teacher should help students learn facts about the case, key language that concerns the verdict and what the Tinker standard means.

Next ask the students to predict what they think the court decided in each of these cases (taken from page 31). So everyone can participate, use these scenarios with the CPS system (Clickers) or something similar so students can anonymously choose their answer. They will choose either A. the court sided with the student (not applying Tinker) B. the court sided with the school (applying Tinker):

1. A sixth-grade student reading a story he wrote describing graphic murders and sexual assaults of named students.
2. A junior high school student who wrote a letter to a former girlfriend, a copy of which was brought to school by a friend, in which he described the girl as a “bitch,” etc. as well as expressing his wish to sodomize, rape and kill her.
3. A middle school student who used as his instant messaging icon from his home computer a drawing of a pistol firing a bullet into a person’s head above the words “Kill Mr. VanderMolen,” the name of his English teacher.
4. An 11th grade student who brought a poem to school, which he asked his English teacher to critique, that described a first-person account of a school shooting.
5. A 5-year-old kindergarten student, playing “cops and robbers” at recess, who pointed his finger at his friends and said, “I am going to shoot you.”

Teacher should then explain that Tinker has limitations in many situations and that two of the cases attempted to define the standard even further.

Part 2: (45 minutes)

Application: Students in groups of four will select a court case (*Bethel v. Fraser* or *Morse v. Frederick*) from a hat.

Teacher should ask students to use the Internet to find five points about their case:

1. Who does the case involve?
2. What happened in the case involving speech?
3. How does it help better define a limiting aspect of Tinker?
4. How did this case set a new precedence?
5. What are the key terms in this case?

Name and document all of your sources from the web, including web address.

Students will present the information in a PowerPoint presentation the following class period.

Part 3: (15 minutes)

Reflection: Have students write in their logs details about the process of finding information about these two cases. It can be as structured as you would like or as open as “what did you learn during the process of researching your topic that you did not realize would happen simply by following the examples I explained at the beginning of the lesson.”

Assessment: Credit for participating in the practice questions. Credit for creating the presentation and giving the presentation for class. Credit for reflection in daily log. Each assignment is worth 33% of the total unit grade.

See RUBRIC ON NEXT PAGE.

Rubric: Credit for completing questions on researching topic. Credit for hypothetical scenario. Credit for reflection in daily log. Each assignment is worth 33% of the total unit grade.

Grade	A (100)	B (90)	C (80)	D (70)
Participation in the CPS survey on five Tinker scenarios	All questions are answered.	Most questions are answered.	Less than half of the questions are answer.	One question is answered.
PowerPoint	The information on the case must be on topic with a great amount of detail included about case and sources.	The information on the case must be on topic with enough details to show understanding.	The information on the case is adequate with enough details to show understanding.	There is some information on the case and it must be on topic with enough details to show understanding.
Reflection	The reflection includes details about the process of online research and classroom presentation. Some details are included. It reflects an understanding of the process & response to the activity.	The reflection addresses the process of online research and classroom presentation. It reflects an understanding of the process and a response to the activity.	The reflection shows an understanding of the process and a response to the activity.	It responds to the activity.

