

Lesson Plan: What (Not?) To Wear: Liberties and Limits of Clothing at School

Focused Inquiry: What are the liberties and limits in relation to speech and free expression at school?

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Grade Span(s): 9th to 12th

Duration: 80 minutes (40 minutes discussion and reviewing cases, 30 minutes creating poster, 10 minutes for concluding conversation)

Overview: Students will learn about some liberties of and limits to freedom of speech that the Supreme Court has identified in two cases related to speech in schools, *Tinker v. Des Moines* and *Morse v. Frederick*. They will think about the concept of “symbolic speech” and how that might relate to clothing and accessories worn by students at school. They will create posters that can be displayed in classrooms, the library, or hallways of school to share their learning with the school community.

Key First Amendment Concept(s) Explored: Symbolic speech, speech in schools

Materials: Students will need:

- Summaries of [*Tinker v. Des Moines*](#) and [*Morse v. Frederick*](#)
- markers
- poster paper

Learning Activity Sequence:

1. Bell Ringer: Write a yes/no t-chart on the board with the following question above: "Should schools have the right to limit certain clothing choices for students?" Students will place a tally mark with their answer as they enter the room.
2. Allow students brief discussion time to elaborate on why they chose their answer.
3. Explain that today they will be learning about some liberties of and limits to freedom of speech that the Supreme Court has identified in two cases related to speech in schools. They will think about the concept of "symbolic speech" and how that might relate to clothing and accessories worn by students at school. Recently there have been news stories about students being asked to remove "offensive" clothing or clothing that might cause a "disruption." Today we'll look at some Supreme Court cases that might give us a better idea what our liberties are in regard to clothing, and what limits schools can place on clothing.
4. Have students investigate their school's dress code. Are

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Are there certain items that they are not allowed to wear to school? Why do they think certain things are not allowed? Do they feel those exclusions and rules are justified? Why or why not? Are clothes a type of “speech”?

5. Provide students with case summaries of *Tinker v. Des Moines*. They will read silently, then Think, Pair, Share with a partner. Questions they should be thinking about are:

- A. What happened that led to this case? What’s the context?
- B. What did the Supreme Court decide in this case and why?
- C. What do you think qualifies as “symbolic speech”?
- D. What are some of the qualifiers or limits mentioned in the decision?

6. Provide students with case summaries of *Morse v. Frederick*. They will read silently, then Think, Pair, Share with a partner.

Questions they should be thinking about are:

- A. What happened that led to this case? What’s the context?
- B. What did the Supreme Court decide in this case and why?
- C. How is the act of “speech” in this case different in this case than in *Tinker*?
- D. If schools are able to limit speech (and symbolic speech) that interferes with their core mission, how do you think this might affect dress codes?

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7. Ask students to work in pairs to create posters to help other students and staff understand what they have learned about the liberties they have at school in regards to symbolic speech and the limits that schools can place on student clothing (especially if that clothing does not fall into the category of protected political speech). The poster should be eye-catching and also contain information about the following:

- A. The First Amendment
- B. *Tinker v. Des Moines*
- C. Limits on symbolic speech in schools
- D. Issues around clothing as symbolic speech that may not be addressed by the Supreme Court (and therefore may be left to the discretion of local authorities/administration)

Learning Activity Closure: A closing discussion for the final ten minutes of class should ask students to share any general reflections. In addition, this would be a wonderful time to ask students to think about a more complex idea: if certain clothing choices are not political, but you do not think your school should ban, can you think of any Constitutional reason to support your ideas? If not, what argument would you make?

References:

"Morse v. Frederick," <https://www.oyez.org/cases/2006/06-278>, oyez.com. Accessed December 12, 2018.

"Tinker v. DesMoines," <https://www.oyez.org/cases/1968/21>, oyez.com. Accessed December 12, 2018.