


# Day 1: Tinker v. Des Moines Independent Community School District

## Begin lesson

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	<b>Teaching notes</b>
	Click the "Begin lesson" button to view this lesson. Teaching notes for each slide will appear in this box.

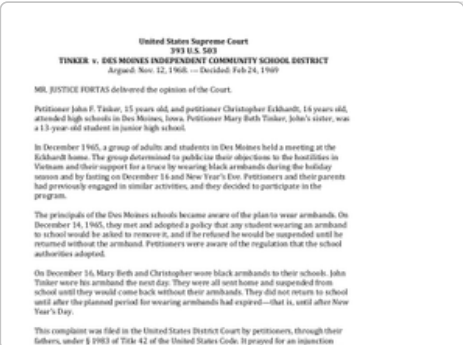
## Before the Lesson

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<h1>Before the Lesson</h1>	<b>Teaching notes</b>

## Anchor Text

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	<b>Teaching notes</b>
	Download and print copies of the anchor text for each student.

# Student Notes Sheet

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**LearnZillion**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Student notes for: Tinker v. Des Moines Independent Community School District**

**Day 1**

1. Identify the petitioners. What were the petitioners' objections and how did they choose to publicize their opinions? Cite strong and thorough textual evidence to support analysis of what the text states.

2. How did the school authorities respond to the student protest? Cite strong and thorough textual evidence to support analysis of what the text states.

3. How did the conflict between several students and school authorities move from the local level to the Supreme Court? Analyze the sequence of events and explain how the events developed over the text.

## Teaching notes

- This guided notes sheet provides students with a list of the text-dependent questions to be explored in the lesson.
- During class, students may use the sheets to record their responses, notes, or ideas. These sheets may be modified to meet the needs of each learner.
- Space is also provided on the back for recording responses to the focus question.
- Following class, collect student notes and use as a formative

assessment.

# Getting Started

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# Getting Started

## Teaching notes

# Introduction 1 of 2

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**United States Supreme Court**

**TINKER v. DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT**  
Argued Nov. 12, 1968. Reversed 6-3, 1969.

**MR. JUSTICE FORTAS** delivered the opinion of the Court.

Petitioners John Tinker, 17 years old, and Charles DeLoach, 16 years old, petitioned for a writ of habeas corpus and certiorari to annul a school district's policy of punishing students for wearing armbands to express their opposition to the Vietnam War. The school district argued that the armbands were disruptive and that the students' actions were not protected by the First Amendment. The Supreme Court ruled in favor of the students, holding that the armbands were a form of symbolic speech protected by the First Amendment.

*Written by  
Supreme Court  
Justice Fortas*

## Teaching notes

**Pacing:** 20 minutes

### Notes:

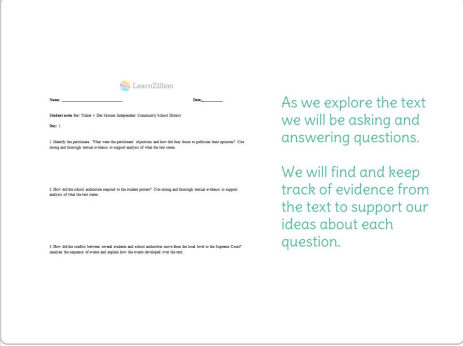
- Hand out copies of the text and the Student Notes Sheet to each student.
- Either as a class or in small groups, have the students read the text aloud.
- Ask the students to mark the text when they come across

important information, unfamiliar words, and/or passages that resonate with them.

- Tell students that you will now go back to the text and read it closely as you ask them a series of questions.
- Either as a class or in small groups, have students consider the questions, consulting the text for evidence.

## Introduction 2 of 2

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	<b>Teaching notes</b>
<p>important information, unfamiliar words, and/or passages that resonate with them.</p> <ul style="list-style-type: none"><li>▪ Tell students that you will now go back to the text and read it closely as you ask them a series of questions.</li><li>▪ Either as a class or in small groups, have students consider the questions, consulting the text for evidence.</li></ul>	<p><b>Pacing:</b> 20 minutes</p> <p><b>Notes:</b></p> <ul style="list-style-type: none"><li>▪ Hand out copies of the text and the Student Notes Sheet to each student.</li><li>▪ Either as a class or in small groups, have the students read the text aloud.</li><li>▪ Ask the students to mark the text when they come across</li></ul>

## Exploring the Text

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<h1>Exploring the Text</h1>	<b>Teaching notes</b>

## Supporting Question 1

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Identify the petitioners. What were the petitioners' objections and how did they choose to publicize their opinions? Cite strong and thorough textual evidence to support analysis of what the text states.

### Teaching notes

**Pacing:** 5 minutes

**Standard:** RI.11-12.1

**Purpose:** This question is designed to provide the reader with a basic understanding of the key players in the main conflict, a critical component in understanding the final ruling.

**Answer:** The petitioners are two high school students, John F. Tinker (15 years old) and Christopher Eckhardt (16 years old),

and one middle school student, Mary Beth Tinker (13 years old). The petitioners decided to "publicize their objections to the hostilities in Vietnam and their support for a truce by wearing black armbands during the holiday season and by fasting on December 16 and New Year's Eve."

#### Look for students....

- Identifying the petitioner's names and ages
- Providing specific details about the objections and the protest
- Beginning to think about the petitioner's form of protest and first amendment rights

#### Guiding Questions and Prompts:

- Ask, "What is the definition of petitioner?"
- Ask, "Who are the petitioners in this case what information is provided about them?"
- Ask, "What brought the petitioners together on December, 1965?"
- Ask, "How did the petitioners choose to protest? Why do you think they chose to protest in this manner?"

#### Additional Notes:

- You may want to have students define "petitioner" in the dictionary and keep a running vocabulary list of legal terms used in the text.
- The Supreme Court Database also has the definition of petitioner: <http://scdb.wustl.edu/documentation.php?var=petitioner>

## Supporting Question 2

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How did the school authorities respond to the student protest? Cite strong and thorough textual evidence to support analysis of what the text states.

### Teaching notes

**Pacing:** 5 minutes

**Standard:** RI.11-12.1

**Purpose:** This question brings the reader's attention to how the conflict was developed through a close examination of the text. This conflict is at the core of the entire ruling, and a thorough understanding of the conflict's development is necessary for the completion of all following lessons.

**Answer:** School authorities responded by prohibiting the student protest. When the principals became aware of the protest plans, they adopted a policy on December 14, two days before the first day of protest. The policy stated that "any student who refuses to remove the armband to school would be asked to remove it, and he refused would be suspended until he returned without the armband." On December 16, "Mary Beth and Christopher wore black armbands to their schools. John Tinker wore his armband the next day." When the petitioners refused to remove them, they were suspended and did not return to school until the end of the protest, after New Year's Day.

#### Look for students....

- Discussing the details of the policy
- Recognizing the significance of the policy's timing
- Discussing the details of the student suspension

#### Guiding questions and prompts:

- Ask, "When did the principals meet and adopt a policy concerning the students' protest?"
- Ask, "What is significant about the timing?"
- Ask, "What were the details of the policy?"
- Ask, "What happened on December 16, the first day of the student protest?"

## Supporting Question 3

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How did the conflict between several students and school authorities move from the local level to the Supreme Court? Analyze the sequence of events and explain how the events developed over the text.

### Teaching notes

**Pacing:** 5 minutes

**Standard:** RI.11-12.3

**Purpose:** This question is designed to build on the analysis of the previous question, providing a deeper understanding of the final ruling's impact on greater society. Readers will examine and gain an understanding of the process in which a conflict moves from the lower courts to the highest federal court.

**Answer:** The conflict began at the local level when the Des Moines Independent Community School District principals suspended the students. The petitioners then filed a complaint with the District Court; however, the District Court dismissed their complaint on the grounds that "it was reasonable in order to prevent disturbance of school discipline." The case was appealed and "the Court of Appeals for the Eighth Circuit considered the case en banc. The court was equally divided, and the District Court's decision was accordingly affirmed without opinion. [The Supreme Court] granted certiorari." The courts were divided because past cases ruled that the students' protest must have "materially and substantially interfered" with the operation of the school. Therefore, the case went to the Supreme Court.

#### Look for students....

- Recognizing each step the case went through before reaching the Supreme Court
- Understanding why the District Court ruled in favor of the school
- Understanding why the courts were divided during the appeal

#### Additional Notes:

- A chart that identifies the lowest level of court all the way up to the Supreme Court can be found on <http://www.ushistory.org/gov/9b.asp>
- The appeals process is explained in <http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/HowCourtsWork/TheAppealsProcess.aspx>.
- Teacher can provide the definition to legal terms used in the ruling or have students look up the definition:
  - Definition of circuit: Intermediate level of court
  - Definition of en banc: case must be heard before all judges of a court
  - Definition of certiorari: judicial review issued by superior court directing the inferior court to send the record of proceeding for further review

## Supporting Question 4

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How does Justice Fortas organize the opinion?  
Analyze and evaluate the structure of the ruling.

### Teaching notes

**Pacing:** 5 minutes

**Standard:** RI.11-12.5

**Purpose:** This focus question asks students to step back and examine the organization of a text to better understand the main ideas. It is important for students to see the way in which the Supreme Court ruling is organized in order to provide a final ruling.

**Answer:** The first two pages of the ruling provides the necessary background information of the case, outlining the individuals involved, the conflict, and how the case was brought to Supreme Court. The next pages provide the main content of the ruling, arguing and outlining the reasoning why the petitioners' protest was constitutional. Previous Supreme Court rulings are provided as the support for the arguments. The final page of the Supreme Court's ruling is a summary of arguments and the conclusion of the ruling. The organization of the ruling is very deliberate and effective in that it provides the background, states the ruling and provides the argument for the ruling with evidence and support, and then summarizes the decision.

#### Look for students....

- Considering the format used by Justice Fortas in the court ruling
- Summarizing and organizing the content of the text
- Analyzing the organization of the text

#### Guiding questions and prompts:

- Say, "Analyze the content on pages 1-2. What information is given on these pages?"
- Say, "Analyze the content on pages 2-6. What information is given on these pages?"
- Say, "Analyze the content on page 7. What information is given on these pages?"

#### Additional Notes:

- Supreme Court procedures: <http://www.uscourts.gov/educational-resources/get-informed/supreme-court/supreme-court-procedures.aspx>

## Focus Question

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## Focus Question

### Teaching notes

## Focus Question

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In the conflict between Tinker and the Des Moines Independent Community School District, who did the United States Supreme Court rule in favor of? Analyze the sequence of events and how the interaction of specific individuals, ideas, and events led to the final ruling.

### Teaching notes

**Pacing:** 25 minutes

**Standard:** RI.11-12.3

**Purpose:** For the first day of close reading, readers will look closely at the who, what, and why of the ruling. It is critical for students to identify the key individuals and events behind this ruling and how they interacted and developed over the course of the text to lead to the final ruling. This knowledge will allow readers to see how the

ruling applies to greater society.

**Answer:** The Supreme Court ruled in favor of the petitioners. The petitioners, John F. Tinker and Christopher Eckhardt, two high school students, and Mary Beth Tinker, one middle school student, decided to publicize their objections to the Vietnam War by wearing black armbands and fasting. The principals of the schools adopted a policy against the protest two days before the protest and suspended the petitioners for their refusal to remove the armbands. The petitioners filed a complaint with the District Court, who dismissed the case on the grounds that the school's actions were reasonable in order to prevent disturbance of school discipline. The conflict was sent to the Court of Appeals, which resulted in Tinker v. Des Moines Independent Community School District being sent to the Supreme Court. The Supreme Court ultimately ruled in favor of the petitioners as their petition was within the Free Speech Clause of the First Amendment rights and did not actually create a disturbance.

### Look for students....

- Identifying how the conflict moved from the local level to the highest federal court
- Understanding the court's ruling and the main argument behind the ruling

### Additional Notes:

- This text will be difficult for struggling learners or ELL students, as it is very dense and has complex ideas. Use the comprehension skill videos throughout the lessons and allow them to discuss the text in groups before giving answers to the whole class.
- While discussing the supporting questions throughout the day is critical to ensure that all students are grasping the most critical ideas, make sure that they leave the classroom with a written product based off this central question. On the student notes sheet, there is space for students to compose their final thoughts in answer to this question at the end of the class.

## After the Lesson

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# After the Lesson

### Teaching notes



## Comprehension Skill Video

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<p><b>Core Lesson</b> Ask, "How do the sequence of events unfold?"</p> <p><b>Sequence of Events</b></p> <ol style="list-style-type: none"><li>1. Petitioners were suspended by the principals for their protest.</li></ol> <p>This complaint was filed in the United States District Court by petitioners, through their fathers, under § 1983 of Title 42 of the United States Code. It prayed for the suspension remaining the respondent school board the respondent members of the board of the school district from disciplining the and it sought nominal damages. After an hearing the District Court dismissed the petition (505) the constitutionality of the school's action on the ground that it was order to prevent disturbance of school</p> <p>Page 2</p> <p>LearnZillion</p> <p>Visit <a href="https://haywood.lzill.co/r/48459">https://haywood.lzill.co/r/48459</a></p>	<p><b>Teaching notes</b></p> <p>Use this video as an intervention tool for students who struggle to answer the focus question. The video uses a metacognitive approach to model the targeted reading comprehension skills.</p>
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