

Rights Before Review

Trace legal reasoning in a public advocacy statement.

CCSS.ELA-Literacy.W.11-12.9b "Apply grades 11-12 Reading standards to literary nonfiction (e.g., "Delineate and evaluate the reasoning in seminal U.S. texts, including the application of constitutional principles and use of legal reasoning [e.g., in U.S..."

NAME _____

DATE _____

1 READ AND MARK _____ Read it twice

YOUR JOB Underline the author's recommendation, circle each reference to a legal principle or court case, and number the premises that connect the evidence to the recommendation. Use your marks to trace and evaluate the argument.

Statement on Student Press Review

- ① To the Riverton School Board: I ask you to revise the proposed rule requiring the principal to approve every article in *The Current*, the student newspaper, before publication. The rule aims to prevent harmful material, a legitimate school concern. Yet the paper is produced by students, names student editors, and publishes their viewpoints, so a blanket approval system would give administrators control over ideas before readers can judge them. Our district can protect students without treating disagreement as danger. I recommend a narrower policy that addresses specific, documented risks rather than every article.
- ② In *Tinker v. Des Moines* (1969), the Supreme Court said students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." The Court also recognized that schools may respond when student expression materially and substantially disrupts schoolwork or invades others' rights. That principle fits this decision: officials should identify a likely disruption or rights violation, not merely predict that an article will be unpopular. Prior review of every article reverses that logic by presuming that student speech needs permission unless an administrator allows it.
- ③ The board may point to *Hazelwood School District v. Kuhlmeier* (1988), which permits educators to exercise editorial control over school-sponsored student expression when their actions are reasonably related to legitimate pedagogical concerns. That case does not automatically justify the proposed rule. The board would need to explain whether *The Current* is a school-sponsored curricular publication and how review of every article serves a teaching purpose. A policy requiring quick review only for articles that disclose private student information or create a documented safety risk would better connect the school's duty to its actual concerns.

2 ANSWER WITH EVIDENCE _____ Use the passage

1 What is the author's central recommendation, and what purpose does the author say it serves?

2 What principle from Tinker does the author use, and how does the author apply it to the proposed rule?

3 What missing fact does the author identify as important to deciding whether Hazelwood supports the board's rule? Explain why that fact matters.

4 How does the author answer the board's concern about harmful material? Explain why the response is a reasoned alternative rather than a rejection of the concern.

3 YOUR TURN _____ Your own words

In 70 to 90 words, write a recommendation to the board. State which legal framework seems more relevant based on the passage, use one passage detail as support, identify one missing fact, and propose a policy consequence. Do not quote more than five consecutive words from the passage.

PART 1 • READ AND MARK

Underline the author's recommendation, circle each reference to a legal principle or court case, and number the premises that connect the evidence to the recommendation. Use your marks to trace and evaluate the argument. Accept any marking that follows this job and points at the right text.

PART 2 • ANSWERS

#	QUESTION	ANSWER
1	What is the author's central recommendation, and what purpose does the author say it serves?	The author recommends replacing blanket prior approval with a narrower policy focused on specific, documented risks. The purpose is to protect students while avoiding control of ideas simply because they may be unpopular.
2	What principle from Tinker does the author use, and how does the author apply it to the proposed rule?	The author uses the principle that students retain speech rights at school and that schools may act when expression materially disrupts schoolwork or invades others' rights. The author argues that officials should identify a likely concrete harm, not require approval because an article might be unpopular.
3	What missing fact does the author identify as important to deciding whether Hazelwood supports the board's rule? Explain why that fact matters.	The board must determine whether The Current is a school-sponsored curricular publication. That status matters because Hazelwood allows editorial control of school-sponsored student expression when it is reasonably related to legitimate pedagogical concerns.
4	How does the author answer the board's concern about harmful material? Explain why the response is a reasoned alternative rather than a rejection of the concern.	The author accepts that preventing harmful material is a legitimate concern but proposes quick review only for privacy disclosures or documented safety risks. This responds to the concern with a limited policy tied to specific harms rather than rejecting school responsibility altogether.

PART 3 • YOUR TURN (SAMPLE ANSWER)

Based on the passage, Tinker provides the stronger starting point because The Current is described as student-produced, student-edited, and a forum for student viewpoints. Still, the board should determine whether the paper is part of a supervised curriculum, since that fact could make Hazelwood relevant. Until that status is clear, the board should reject universal prior approval and use limited review for specific, documented privacy or safety risks in individual articles.

Accept equivalent descriptions of the author's claim, legal premises, and reasoning, provided students distinguish likely disruption or rights violations from mere unpopularity. For the open response, require all four requested elements and a policy conclusion that follows logically from the student's evaluation.