Rights, Rules, Reasons

Trace how an advocate applies student-speech precedents.

CCSS.ELA-Literacy.RI.11-12.8 "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. Supreme Court majority opinions and dissents) and the premises, purposes…"

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline each claim, circle each legal principle or case rule, and number the reasons that connect a principle to the proposed policy.

A Fairer Newspaper Policy

(1) Our school board is considering a rule that would require the principal to approve every article in the student newspaper before publication. The rule aims to prevent harm, but it begins with the wrong premise: disagreement is not the same as disruption. In Tinker v. Des Moines, the Supreme Court said schools may limit student expression when officials can reasonably forecast substantial disruption or invasion of others' rights. A blanket review rule treats every student writer as a likely problem before any evidence appears.

(2) Supporters may answer that the newspaper is school-sponsored and therefore different from the armbands in Tinker. In Hazelwood School District v. Kuhlmeier, the Court allowed educators to regulate school-sponsored student speech when their action is reasonably related to legitimate pedagogical concerns. That principle supports editing for accuracy, privacy, or age-appropriate presentation. It does not automatically support approval of every viewpoint. If a principal objects only because an article criticizes a district policy, the board should ask whether the objection serves an educational purpose rather than shielding officials from criticism.

(3) Therefore, the board should reject prior approval for every article and adopt a narrower policy. Editors could check stories for identifiable privacy violations, unsupported factual claims, or material that officials can reasonably forecast will cause substantial disruption. The policy should require written reasons for any withheld article and allow a prompt appeal to a staff committee. This approach protects the school's educational mission while requiring officials to connect each restriction to evidence and a legitimate purpose, not to personal discomfort with criticism.

2 ANSWER WITH EVIDENCE

Use the passage

1. What premise does the writer reject in paragraph 1, and what Tinker rule challenges it?

2. How does paragraph 2 distinguish Tinker from Hazelwood?

3. What is the writer's main recommendation, and name two details meant to make the policy fair.

4. Why is criticism of district policy alone not enough to withhold an article, according to the writer?

3 YOUR TURN

Your own words

Read this original excerpt from Abraham Lincoln's Emancipation Proclamation, January 1, 1863 (National Archives): "And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity". Context: Lincoln declared freedom for enslaved people in designated rebellious states and parts of states; the proclamation did not apply everywhere. In three sentences, trace the stated grounds for the act, explain how wartime necessity supports its purpose, and evaluate one limitation of the reasoning supplied in this excerpt. On another sheet, write 35–45 words responding to this case: a principal wants to remove an editorial urging later start times because it criticizes the schedule. State a claim and apply one legal principle from the passage.

ANSWER KEY

Rights, Rules, Reasons

HIGH SCHOOL · RI.11-12.8

PART 1 · READ AND MARK

Underline each claim, circle each legal principle or case rule, and number the reasons that connect a principle to the proposed policy. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	What premise does the writer reject in paragraph 1, and what Tinker rule challenges it?	**The writer rejects the idea that disagreement equals disruption. Tinker supports limits only when officials can reasonably forecast substantial disruption or invasion of others' rights.**
2	How does paragraph 2 distinguish Tinker from Hazelwood?	**Tinker addresses limits based on disruption or others' rights. Hazelwood permits regulation of school-sponsored speech when it is reasonably related to legitimate pedagogical concerns.**
3	What is the writer's main recommendation, and name two details meant to make the policy fair.	**Reject blanket prior approval and use a narrower policy. Fairness details include written reasons for withheld articles and a prompt appeal to a staff committee.**
4	Why is criticism of district policy alone not enough to withhold an article, according to the writer?	**Criticism alone does not show disruption or a legitimate educational purpose. The writer says officials must connect a restriction to evidence and a legitimate purpose, not discomfort with criticism.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Original-text analysis: Lincoln presents justice, constitutional authority and military necessity as grounds for the act. His wartime purpose connects freeing people in rebellious areas to suppressing rebellion. The excerpt asserts constitutional justification but does not spell out its legal steps, so evaluating that claim fully would require more of the document and supporting context.
School-editorial response: The principal should not remove the editorial merely because it criticizes the schedule, since criticism alone is not substantial disruption and does not show an invasion of rights. Unless the school identifies a legitimate pedagogical concern, the restriction lacks the justification described in the passage.

Accept claims that apply Tinker's disruption standard or Hazelwood's legitimate-pedagogical-concern standard accurately. Strong responses distinguish criticism or disagreement from a legally supported reason to restrict speech. Require the separate three-sentence evaluation of the actual identified excerpt, with its asserted grounds and a reasoned limitation. Acknowledge its geographically limited wartime scope; do not claim it immediately freed every enslaved person. Accept defensible evaluations rather than mandatory agreement. Original excerpt source: https://www.archives.gov/exhibits/featured-documents/emancipation-proclamation/transcript.html (closing justice/Constitution/military-necessity clause); source wording directly verified. The fictional newspaper argument remains a scaffold, not the original seminal text.