



Curriculum Units by Fellows of the Yale-New Haven Teachers Institute
2004 Volume I: The Supreme Court in American Political History

Understanding and Implementing the First Amendment

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New Haven's English Language Arts Frameworks are moving in a direction more concerned with a student's ability to use a schema set of skills and abilities to analyze and evaluate any text, fictional or non-fictional, for its informational and artistic value. While lamented by some, this approach does not preclude a teacher's ability to expose students to new forms of literature and enhance a student's appreciation and understanding of that literature. Indeed, if a student can develop his or her abilities to read and interpret a text and directly link that text to personal beliefs or experiences, then that student will be well equipped for various future challenges. One means of achieving this objective is to expose students to texts that are very pertinent and contemporary to their lives and contain language that forces them to read and work at the upper limits of their reading skills.

There are many Supreme Court cases that discuss the Constitution's language on Free Expression, but two in particular deal with the First Amendment within a school. These two cases are *Tinker vs. Des Moines School District* and *Hazelwood School District vs. Kuhlmeier*. In *Tinker*, the Supreme Court ruled in favor on the side of the student's ability to freely exercise their right to free speech within limits. In *Hazelwood* the Supreme Court ruled in favor of the school's ability to control and censor student expression within a school newspaper. These two seminal cases have set a precedent in our courts today as students confront limitations on their ability to express themselves in different situations. By reading excerpts of the Court's opinions and considering their meaning through text-rendering the students will understand the particulars of the case and practice reading and writing skills consistent with New Haven's Framework Standards. These skills will be fully assessable in a hypothetical case where students must decide the merits of the case and write their own opinion supporting their decision. While the hypothetical case and the written assessment represent a scaled down and simplified version of a court opinion, the skills practiced give the student an opportunity not only to read primary source documents about the First Amendment but also to grapple with them in a realistic and literary manner.

(Recommended for English and Language Arts, grades 10-12.)

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