

# Extended Controversial Issue Discussion Lesson Plan Template

**Lesson Title:** School Board Meeting on Mandatory School Uniforms

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**Appropriate for Grade Level(s):** 11/12<sup>th</sup> grade

**US History Standard(s)/Applicable CCSS(s):** CCSS Reading 1 -10, Writing 1 a,b,c,e; 2 b,d,e; 4;7;9

**Discussion Question(s):** School Uniforms: Freedom of Expression Violation?

**Engagement Strategy:** Students will be told that their school district “may” be considering implementing a mandatory school uniform policy. Students will write a one paragraph response.

**Student Readings (list):** First Amendment, *Tinker v. Des Moines*, Add others

**Total Time Needed:** 3 – 4 45 minute class sessions

**Lesson Outline:**

Time Frame (e.g. 15 minutes)	What is the teacher doing?	What are students doing?
15 minutes	Teacher introduces Sponge (See Teacher Instructions)	Students write a paragraph response
15 – 20 Minutes	Teacher hands out Homework Reading Assignments and Student role sheets.	Students look over assigned roles and ask teacher questions. Students read homework and complete assignment for next class.
10 minutes	Teacher preps class to use parliamentary procedure.	Students ask questions.
85-90 minutes	Teacher observes and steps in as a role during meeting if necessary	Student run the meeting discussing the new topic of school uniforms for the next school year
5 minutes	Teacher observes	Students on school board vote on motion
15 minutes	Teacher assigns writing assignment.	Most students write letter to editor in their assigned role. The newspaper reporter writes an article for the paper.
5 minutes	Teachers assigns quick write	Students write responses.

The pages that follow the Lesson Plan Template include a detailed background paper on the topic for teachers, student readings and reading strategy/questions, source(s), handouts, assignment sheet, self-assessment/reflection and a rubric related to this lesson.

**Description of Lesson Assessment:** Students will write a letter to the editor describing their feelings about the school board meeting and what the board decided on. The letters will be written in character of their assigned role. Students will also be assessed on their participation in the meeting.

**How will students reflect on the process and their learning?** Students will reflect in their letters to the editor. They will also give prior knowledge on the topic before the lesson starts and they do their reading. Afterwards students will share in writing what they learned about the First Amendment and student rights along with what they learned about how local government works.

## **Assigned Roles for Students**

**School Board President – (Pro uniforms) - This student will be in charge of running the meeting**

**School Board Member #1 – (Not sure)**

**School Board Member #2 – (Against uniforms)**

**School Board Member #3 – (Not sure)**

**School Board Member #4 – (Not sure)**

**School District Superintendent – (Pro uniforms)**

**High School Principal #1 – (Pro uniforms)**

**High School Principal #2 – (Against uniforms)**

**High School Vice- Principal #1 – (against uniforms)**

**Middle School Principal #1 – (for uniforms)**

**Elementary School Principal #1 – (for uniforms)**

**Elementary School Principal #2 – (not sure)**

**Parent #1 – (Against uniforms)**

**Parent #2 – (Very much against uniforms)**

**Parent # 3 – (Not sure)**

**Parent # 4 – (Not sure)**

**Parent #5 – (Pro uniform)**

**Parent #6 – (Against uniforms)**

**Parent #7 – (Pro uniforms)**

**Parent #8 – (Pro uniforms)**

**Local Newspaper Report (here to report)**

**Teacher #1 – (Against uniforms)**

**Teacher # 2 – (Pro uniforms)**

**High School Student #1 (pro uniforms)**

**High School Student #2 (against uniforms)**

**High School Student #3 (against uniforms)**

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**High School Student #4 (see pros/cons)**

**High School Student #5 (Against uniforms)**

**High School Student #6 (Against uniforms)**

**High School Student #7 (Against uniforms)**

**High School Student #8 (Against uniforms)**

**School district bus driver/grandparent of students (Pro uniforms)**

**School district nurse – (Pro uniforms)**

**School district cafeteria worker – (Pro uniforms)**

**School district custodian – (not sure)**

**Rubrics for both assignments**

**Rubric for Newspaper Editorial/Article**

**Letter-Writing : Editorial on School Uniforms**

Teacher Name: **S. Krueger**

Student Name: \_\_\_\_\_

CATEGORY	4	3	2	1
<b>Salutation and Closing</b>	Salutation and closing have no errors in capitalization and punctuation.	Salutation and closing have 1-2 errors in capitalization and punctuation.	Salutation and closing have 3 or more errors in capitalization and punctuation.	Salutation and/or closing are missing.
<b>Sentences &amp; Paragraphs</b>	Sentences and paragraphs are complete, well-constructed and of varied structure.	All sentences are complete and well-constructed (no fragments, no run-ons). Paragraphing is generally done well.	Most sentences are complete and well-constructed. Paragraphing needs some work.	Many sentence fragments or run-on sentences OR paragraphing needs lots of work.
<b>Grammar &amp; spelling (conventions)</b>	Writer makes no errors in grammar or spelling.	Writer makes 1-2 errors in grammar and/or spelling.	Writer makes 3-4 errors in grammar and/or spelling	Writer makes more than 4 errors in grammar and/or spelling.
<b>Ideas</b>	Ideas were expressed in a clear and organized fashion. It was easy to figure out what the letter was about.	Ideas were expressed in a pretty clear manner, but the organization could have been better.	Ideas were somewhat organized, but were not very clear. It took more than one reading to figure out what the letter was about.	The letter seemed to be a collection of unrelated sentences. It was very difficult to figure out what the letter was about.

From [rubistar4teachers.org](http://rubistar4teachers.org)

**Note: The top category can be modified for the one student who is a reporter.**

Rubric for Discussion

## Historical Role Play : School Board Discussion: School Uniforms

Teacher Name: **S. Krueger**

Student Name: \_\_\_\_\_

CATEGORY	4	3	2	1
<b>Role</b>	Point-of-view, arguments, and solutions proposed were consistently in character.	Point-of-view, arguments, and solutions proposed were often in character.	Point-of-view, arguments, and solutions proposed were sometimes in character.	Point-of-view, arguments, and solutions proposed were rarely in character.
<b>Knowledge Gained</b>	Can clearly explain several ways in which his character "saw" things differently than other characters and can clearly explain why.	Can clearly explain several ways in which his character "saw" things differently than other characters.	Can clearly explain one way in which his character "saw" things differently than other characters.	Cannot explain one way in which his character "saw" things differently than other characters.
<b>Required Elements</b>	Student included more information than was required.	Student included all information that was required.	Student included most information that was required.	Student included less information than was required.

Created using [rubistar4teachers.org](http://rubistar4teachers.org)

## Tinker v. Des Moines

### Key excerpts from the majority opinion

#### The Court ruled 7 to 2. Justice Fortas delivered the majority opinion of the Court.

Five justices agreed with the majority opinion. Two justices concurred, meaning that they agreed with the Court's decision that the school policy was unconstitutional, but they wrote separately to explain their reasoning. Two justices dissented. Justice Fortas delivered the majority opinion of the Court.

... First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. . . .

... The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures - Boards of Education not excepted. These have, of course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes. . . .

... On the other hand, the Court has repeatedly emphasized the need for affirming the comprehensive authority of the States and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools. Our problem involves direct, primary First Amendment rights akin to "pure speech"

... In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. Certainly where there is no finding and no showing that engaging in the forbidden conduct would "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school," the prohibition cannot be sustained. . . .

... the record fails to yield evidence that the school authorities had reason to anticipate that the wearing of the armbands would substantially interfere with the work of the school or impinge upon the rights of other students. . . . [and] the school officials banned and sought to punish petitioners for a silent, passive expression of opinion, unaccompanied by any disorder or disturbance on the part of petitioners. . . .

It is also relevant that the school authorities did not purport to prohibit the wearing of all symbols of political or controversial significance. . . . Instead, a particular symbol - black armbands worn to exhibit opposition to this Nation's involvement in Vietnam - was singled out for prohibition. Clearly, the prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with schoolwork or discipline, is not constitutionally permissible. In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are "persons" under our Constitution. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views. . . .

[http://www.streetlaw.org/en/Page/243/Key\\_excerpts\\_from\\_the\\_majority\\_opinion](http://www.streetlaw.org/en/Page/243/Key_excerpts_from_the_majority_opinion)

The public school uniform debate has been an issue for educators, parents, and students for years. This article has information on the pros and cons of public school uniform from educators', parents', and students' views.

While school uniforms are typically found in private schools, it may have only been in 1987 that the first public school "Cherry Hill Elementary in Baltimore, MD" instituted a school uniform policy. Then, in 1994, the Long Beach Unified School District in California adopted a mandatory uniform policy in some of its schools, making it the first urban district to do so. Though public school uniform use is not widespread, it is growing. The question of what students should wear to school rouses strong feelings on both sides. Here are some arguments for and against the use of school uniforms.

While school uniforms are typically found in private schools, it may have only been in 1987 that the first public school - Cherry Hill Elementary in Baltimore, MD - instituted a school uniform policy. Then, in 1994, the Long Beach Unified School District in California adopted a mandatory uniform policy in some of its schools, making it the first urban district to do so. Though public school uniform use is not widespread, it is growing.

#### Reasons For and Against School Uniforms

Educators, parents, and students site many reasons in favor of school uniforms:

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- School administrators face a complicated task setting a dress code: with inappropriate coverage (for example, strapless, halter, and midriff tops and too-short skirts and shorts) and inappropriate insignia (for example, slogans for alcohol and cigarettes and clothing with vulgar language or representing otherwise objectionable connections, such as gang membership), it may be easier to have a uniform than to detail and enforce independently chosen clothing.
- Dress code aside, the interest in fashion and fad combined with peer pressure can lead to pressure to spend money that some families can ill afford: school uniforms refocus this issue.
- Wearing of school uniforms prevents the formation of dress-identified cliques
- The wearing of school uniforms emphasizes membership and group identity, fostering a community spirit.
- Crimes involving stealing items of apparel are unlikely to be perpetrated if everyone's apparel is identical.
- Because students can be easily identified, intruders in the school setting can be more readily identified and students on field trips are more easily accounted for.
- The wearing of school uniforms helps students to realize that a person's unique gifts and personality traits go deeper than their apparel and aren't diminished by uniform dress.

Other educators, parents, and students are opposed to school uniforms and give reasons like the following:

- Uniforms interfere with students' rights for self-expression.
- Uniforms are an unnecessary expense and can create an economic hardship themselves.
- Uniforms are an unnecessary exertion of power by administrators who don't know how to exercise responsible authority.
- The wearing of uniforms does not prevent the formation of cliques or gangs.
- The wearing of uniforms does not prevent students from expressing unpopular or inappropriate views in other ways.
- School uniforms can be ugly and/or unflattering, and having to wear something unattractive or unflattering is not good for students' self-image.
- The wearing of uniforms may delay or prevent students from having to learn how to get alongside of people whose personal taste differs markedly from their own and which they may find unappealing.
- The wearing of school uniforms may give students the impression that conformity is the way to prevent conflict, and this is not an appropriate message for schools to send.

The National Association of Elementary School Principals (NAESP), which includes middle level principals, has not taken an official stand on school uniforms, leaving it to be decided school-by-school.

Public School Uniforms Sources:

- [naesp.org](http://naesp.org)
- [nmsa.org](http://nmsa.org)

<http://www.educationbug.org/a/public-school-uniform-debate.html>



## School Uniforms: Freedom of Expression Violation?

*Shanna Krueger*

First Amendment cases and schools have conflicted since students have entered public schools and studied the Constitution. One early case on first amendment freedoms is the case *Lander v. Seaver* (1859). This particular case dealt with an eleven year old student, Peter Lander Jr. Lander received a rawhide whipping from his teacher after calling the teacher, A.B. Seaver, "Old Jack Seaver," after school in front of other students.<sup>1</sup> At the time the Vermont Supreme Court ruled that school teachers were allowed to punish students to keep control of the classroom and prohibit language that was a disruption.<sup>2</sup>

This is an early example of a first amendment case and schools. Over the years, the idea of freedom of expression has become connected to student clothing and even the idea of school uniform policies in public schools. Some argue that students' freedom of expression is part of the educational experience in United States' public schools. Others argue that the safety of students and the quality of education outweigh that argument.

The foundation Supreme Court case on the topic of school dress and freedom of expression has been the case *Tinker v. Des Moines*, 1969.<sup>3</sup> This case dealt with students who wore black armbands to school to protest the Vietnam War. During the session that the Court heard this case, the Warren Court had a variety of opinions on their interpretations of free speech.<sup>4</sup> In the Court opinion, written by Abe Fortas wrote, "First Amendment rights, applied in the light of the special circumstances of school environment, are available to teachers and students."<sup>5</sup> Fortas continued, "It can hardly be argued that either teachers or students shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."<sup>6</sup> Fortas discussed why these rights were important to have at school and when these rights might be shielded. He said that schools, "must show some shred of justification in the sense of a prohibition necessary to carrying on the school functions."<sup>7</sup> This argument that the schools had to show that an act was impeding

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<sup>1</sup> Hudson, Jr. David L. *Let the Students Speak! A History of the Fight for Free Expression in American Schools*. Boston: Beacon Press, 2011. Kindle Edition, Location 197.

<sup>2</sup> *Ibid*, Location 213.

<sup>3</sup> Farish, Leah. *Tinker v. Des Moines: Student Protest*. Springfield, NJ: Enslow Publisher Inc., 1997. P. 89.

<sup>4</sup> *Ibid*, p. 55.

<sup>5</sup> *Ibid*, p. 76.

<sup>6</sup> *Ibid*.

<sup>7</sup> *Ibid*, p. 66.

on others' rights or causing a potential disruption at a school site. *Tinker* set up the discussion of students' right for the instances that followed, including the argument on mandatory school uniforms in public schools.

In the 1990s, many public schools starting looking for ways to improve graduation rates and lower crime rates and school distractions. School districts began looking at the idea of mandatory school uniforms as a possible way of accomplishing this. In 1994, the Long Beach school system began implementing a required uniform policy for elementary and middle schools.<sup>8</sup> One argument of support for uniforms in the Long Beach area is that uniforms are helping students realize that schools are a place to be serious and they are coming to school to work.<sup>9</sup> Another argument proposed by people for supporting uniforms is the benefit of cost savings and simplicity of uniforms.

Many schools allow students a choice of pants, shorts, a variety of shirts, and skirts for females. Some schools allow a place for students to turn in outgrown uniforms to allow other students. Many schools use the idea of blue pants and white shirts.<sup>10</sup> The idea of a uniform policy allows schools to protect the amount of money families have to spend on clothing. When the Long Beach school system was researching the benefits of uniforms, they found that the cost of three sets of uniforms would be about \$70 through \$90.<sup>11</sup> This amount is very affordable, especially when one compares the price of name brand clothing which can cost as much as three uniforms alone. It was the fear of students possibly being victims of other students "stealing" desirable clothing and the fear of gang behavior in schools that allowed some schools to push for uniform policies.<sup>12</sup>

Gang behavior and influence is a worry for many school sites throughout this country. The argument that uniforms promotes keeping gang behavior at school follows from the argument that many gang members utilize colors as one of their gang indicators. When a school has a policy limiting which colors students can wear, such as white shirts, this limits gang members from showing their colors at school. In the Long Beach school system after the implementation of uniforms occurred crime was down 91%, suspensions decreased 90%, the amount of sex offenses

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<sup>8</sup> Cohn, Carl A. Mandatory School Uniforms. *School Administrator*, Feb, 1996. Web 12/16/2011.

<sup>9</sup> *Ibid.*

<sup>10</sup> Hudson, Kindle Edition, Location 2845.

<sup>11</sup> Cohn.

<sup>12</sup> Hudson. Kindle Edition, Location 2832.

decreased by 96%, while vandalism decreased 69%.<sup>13</sup> In another study about the effectiveness of uniforms, the Long Beach area found that they were one of only six large school districts to improve graduation rates dramatically over a five year period. In a five year period after the uniform policy was initiated, the dropout rate fell from 11.2% to 2.7%.<sup>14</sup> These numbers help to support the fact that uniform policies can help reduce unwanted behaviors at school and also help promote learning.

One of the major arguments against school uniforms is that the policies limit freedom of student expression. While this may seem like a valid argument to some, the Court did rule in *Tinker* that a school cannot argue with student dress just because they do not like the statement clothing or an armband may signify. Instead the school has to prove that the statement is, “a substantial disruption of the school environment” or “an invasion of the rights of others.”<sup>15</sup> This idea was supported in a federal district court case involving Minnesota student Elliot Chambers. Chambers wore a shirt to school saying “Straight Pride.” School officials asked him to remove the shirt or turn it inside out. Chambers refused saying he had the right to wear the shirt. The school said it was offensive to others and a potential safety threat as the school had recent incidents with violence to homosexual students.<sup>16</sup> The federal district court ruled that, “the responsibility remains with the school...to maintain an environment open to diversity and to educate and support its students as the confront ideas different from their own.”<sup>17</sup> The student was allowed to wear this shirt under the current policy of the school after this case. This is an example of where a uniform policy could protect schools from potential lawsuits over freedom of expression by not allowing students to wear shirts with sayings.

There have been a variety of cases where students and parents have sued school districts over First Amendment rights. One of these is *Bethel v. Fraser*, 1986 in which the Supreme Court said that schools could regulate vulgar speech.<sup>18</sup> In 1994 the Seventh Circuit court in *Baxter ex rel Baxter v. Vigo County School Corp.* did rule that age could be a factor when regulating speech. Students wanted to wear shirts with expression such as “Unfair grades”, “Racism” and

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<sup>13</sup> Carroll, Jamuna. Ed. *Students’ Rights: Opposing Viewpoints*. Detroit: Greenhaven Press, 2005. P.95.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.* p. 59.

<sup>16</sup> *Ibid.* p.90.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.* p. 89.

“I Hate Lost Creek.” The court ruled that these students did not have the right to wear these shirts as they were in elementary school.<sup>19</sup>

In another case revolving students and dress code violations, students were found going against school policy for wearing rosaries to school. Local law enforcements said that the rosaries were gang related as some gang members wore them. A student challenged this as his First Amendment right of freedom religion. Students’ First Amendment rights were upheld as the court said in the case *Chalifoux v. New Cancy Independent School District*, 1997 that rosaries were “akin to free speech” and “applied to the *Tinker* standard.”<sup>20</sup>

*Tinker v. Des Moines* has set the standard for supporting school uniforms. As long as schools can prove that uniforms help promote safety in schools, courts have been supporting the uniform policies. But *Tinker* has also left the door open for student rights, as students in non-uniform schools can still wear certain expressions or religious items as long as they are not infringing on others rights or promoting the possibility of unsafe behavior at the school site. Do students have First Amendment rights at schools? Yes, they do, but the school system also has the responsibility of protecting students from harm as well and the courts have backed up the schools on uniform policy because of this.

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<sup>19</sup> Modrall Spering Law Firm. Student Dress Codes: Constitutional Requirements and Policy Suggestions. Web, 12/16/2011.

<sup>20</sup> *Ibid.*

## Works Cited

Carroll, Jamuna. Ed. *Students' Rights: Opposing Viewpoints*. Detroit: Greenhaven Press, 2005.

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