

2012-2013 Teaching American History

Extended Discussion/Writing Lesson Plan Template

Lesson Title: Students & Freedom of Expression Discussion

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Appropriate for Grade Level(s): 11th / 12th

US History Standard(s)/

CCSS(s): CCSS.ELA-Literacy.RH.11-12.1 Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-Literacy.RH.11-12.2 Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-Literacy.RH.11-12.7 Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

CCSS.ELA-Literacy.RH.11-12.8 Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.

Discussion Question(s): Should schools restrict students freedom of expression?

Discussion Engagement Strategy: Jigsaw Seminar

Student Readings/sources (list): Let the Students Speak (excerpt Ch. 7); California Education Code section 35183; Wooster v. Sunderland excerpt Let Students Speak Ch. 1; Tinker v. Des Moines; Morse v. Frederick; J.S. v. Bethlehem Area School Dist.; How Expanding Student Rights Undermined Public Schooling (The Atlantic).

Description of student writing assignment and criteria/rubric used for assessment of student writing: Students will be writing a six paragraph essay making a claim, using three pieces of evidence and making one counter claim.

Total Time Needed: 4-5 50 minute classes

Lesson Outline:

Time Frame (e.g. 15 minutes)	What is the teacher doing?	What are students doing?
5 minutes	Thinking about arranging the students into their expert groups with the same article.	Students are silently reading their one document that they were assigned.
30 minutes	Prior to this the teacher has used the seven documents to break up the class into seven groups. Numbers will vary based on number of students in class. While students are in their expert group teacher is moving around the room to check that students are coming up with the correct information.	Students are underlining the claim or main idea of the one document that their group is an expert for. Then students will look for supporting evidence to the claim or main idea. Finally students will write a 25- 50 word summary on what their document is about.
40- 50	Teacher is moving around the room to make sure	Students are re-arranged into groups with one to

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minutes	students stay on task and helping those students who talk less or are shy. If there are groups without each document, teacher will fill in for that document when students get there.	two of EACH documents (most likely groups of 4). Students will share their summaries with those who did not have that article. While student reads other students write the summary on their copy of the article. Student will also point out the claim and evidence to the other students for each article.
20- 30 minutes	Teacher is helping students find evidence to support their claim for the discussion.	Students will fill out their fishbowl discussion template. (pre- discussion only)
40 minutes	Teacher is monitoring how many times the students are talking, tapping students in the inner and outer circles to switch them out in order to have multiple students speak, providing additional questions if needed if conversation stalls or goes off track.	Students are participating in the fishbowl discussion. 5 of 6 seats, in the inner circle will be filled by students. The rest of the class will fill the seats in the outer circle. The empty inner seat is used for students who want to make comments but who are sitting in the outer circle. The students in the inner circle are the only ones allowed to speak. While discussion is going students are also filling in the “during the discussion” portion of the template.
10 minutes	Teacher is monitoring students and providing guidance on finishing the fishbowl template.	Students are filling out the “after the discussion” part of the template.
30 minutes	Teacher is helping students find evidence and walking students through their reasoning as needed for their pre- write.	Students are filling out the essay pre- write with claim, evidence reasoning and counter claim.
50 minutes	Teacher is helping as needed and editing any essays that need it.	Students are writing/ typing their essays.

Include the model essay for the writing assignment, which uses the sources and criteria students will be using for their writing assignment.

Students Have Too Much To Say

Students should express themselves as much as they want, just not always at school, and not when it interferes with learning or the safety of students. When it comes to the safety of students, freedom of expression needs to be monitored such as the events leading to the Columbine shooting; or in the case of rival gangs’ tensions being controlled by the California State Legislature. In addition, students’ freedom of expression has in some cases led to teachers having a difficult time doing their job- teaching.

Most people would agree that teaching 35 teenagers is not easy to begin with. Teaching 35 students when one or two want to make a scene and have little ability to do anything about it makes it even harder. Relationships within some schools has become strained between students and teachers in recent years not because of increasing pressure to pass standardized test but rather because students have threatened to become sue happy when punished by a teacher for disciplining inappropriate language, dress or behavior (The Atlantic lines 7-9).

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If teachers are more concerned about being reprimanded by the administration or parents, then that is focus lost on instruction. Teachers and students should have an understanding in the classroom that students must follow the teachers' and schools rules when it comes to speech and dress and that teachers will enforce disciplinary action in order to maintain an appropriate atmosphere in the classroom. This is difficult for teachers to do if they are watching over their backs.

Students' freedom of expression should be limited when it comes to school safety and gang activity. California saw that gang activity became such a problem that the State Legislature passed a code barring gang apparel and other forms of dress in public schools and allowed schools to institute uniforms as they saw fit. Citing that teachers spent too much time identifying gang apparel than teaching (CA Ed Code lines 11- 13), the state felt their needed to be a change to its schools policies when it came to what students could wear where gangs were prevalent. The code also includes a provision banning baggy clothing that weapons could easily be concealed under (lines 14- 16). These types of codes while restrictive in how students can express themselves through dress are important to implement where needed in order for schools to be able to maintain the safety of the students and allow teachers to focus on teaching rather than wondering if Johnny's new hat is a gang symbol.

"The shot hit the biggest prep in the head". These were the words of Dylan Klebold in an essay written in an English class at Columbine High School (Hudson pg. 121). Klebold was questioned by his teacher and a counselor and the school had contacted his family to which both Klebold and his parents both claimed "it was just a story" (Hudson pg. 122). No further action was taken by the school convinced this was Klebold expressing himself. This is an extreme example of what happens when students express themselves and then live them out, however if Columbine High School was vigilant in their actions in dealing with a clearly disturbed student, the shooting at the school may have been prevented. Even if Klebold expressed his dark thoughts at home rather than in English class he may have still have carried out his attack, but the school had the duty to restrict his rights in order to protect the students of Columbine no matter how futile the schools efforts may have been in the end.

One such instance when freedom of expression should not be limited by schools on their students is peaceful demonstrations for what that student believes is a just cause. One such example is shown in *Tinker v. Des Moines*. The Supreme Court ultimately ruled that students wearing black arm bands to protest the Vietnam War does not upset the balance of learning in schools and is pure freedom of speech (Oyez line 23). If students want to wear items that do not infringe on others to protest what they believe in no matter how unpopular should be allowed. If not, the Supreme Court has ruled that this restriction infringes on a students' constitutional rights. Students for the most part should have the ability to express themselves at school and schools should limit their constraints on students to do so with the exception of when it comes to safety and the ability of teachers to do their jobs. The staff and Columbine High School should have done more to limit and react to threatening speech. Schools with high rates of gang affiliation should be able to force students to wear uniforms in order to reduce violence. And teachers should be able to do their jobs without fear of punishing students who act or say inappropriate things in order to maintain a level of productivity in the classroom. Outside of these instances students should be allowed to express themselves as they see fit.

Should schools restrict students' freedom of expression?

Document 1

ACLU Slams Supreme Court Decision in Student Free Speech Case

June 25, 2007

WASHINGTON - The American Civil Liberties Union today criticized the Supreme Court's 5-4 ruling in *Morse v. Frederick*, which held that Alaska public school officials did not violate a student's free speech rights by punishing him for displaying a banner during a public event.

"We are disappointed by the Supreme Court's ruling, which allows the censorship of student speech without any evidence that school activities were disrupted," said Douglas K. Mertz, an ACLU cooperating attorney who argued the case before the Supreme Court.

The case arose in 2002 when Joseph Frederick, then a student at Juneau-Douglas High School in Juneau, Alaska, was suspended for 10 days for holding up a humorous sign that the principal interpreted as a pro-drug message. As the ACLU and Mertz noted, the sign caused no disruption, was displayed at the Olympic Torch Relay - a public event on public streets - and Frederick had not yet arrived at school for the day.

"The Court's ruling imposes new restrictions on student speech rights and creates a drug exception to the First Amendment," said Steven R. Shapiro, ACLU National Legal Director. "The decision purports to be narrow, and the Court rejected the most sweeping arguments for school censorship. But because the decision is based on the Court's view about the value of speech concerning drugs, it is difficult to know what its impact will be in other cases involving unpopular speech.

"The Court cannot have it both ways," Shapiro added. "Either this speech had nothing to do with drugs, which is what Joe Frederick claimed all along, or it was suppressed because school officials disagreed with the viewpoint it expressed on an issue that is very much the subject of debate in Alaska and around the country."

Frederick said that the phrase on the banner, *Bong Hits 4 Jesus*, "was never meant to have any substantive meaning. It was certainly not intended as a drug or religious message. I conveyed this to the principal by explaining it was intended to be funny, subjectively interpreted by the reader and most importantly an exercise of my inalienable right to free speech."

The ACLU noted that the ruling is limited to rights under federal law rather than Alaska state law, which is more protective of personal liberties.

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"The fight to defend free speech will go on, both in this case and in others," Mertz said. "We are grateful for the many Alaskans and Americans who rallied to defend the First Amendment and promise our continued support for civil liberties."

The case attracted support from more than a dozen groups across the ideological spectrum, from the conservative American Center for Law and Justice, Christian Legal Society and Rutherford Institute to the Student Press Law Center, Lambda Legal Defense and Education Fund, Drug Policy Alliance and National Coalition Against Censorship.

More information on the case is online at: www.aclu.org/frederick

The decision is online at: www.scotusblog.com/movabletype/archives/06-278_All.pdf

In addition to Mertz and Shapiro, attorneys for Frederick are Catherine Crump and Jonathan Miller of the national ACLU and Jason Brandeis, Legal Director of the ACLU of Alaska.

Document 2

Oyez

TINKER v. DES MOINES IND. COMM. SCHOOL DIST.

Location: [Des Moines Independent Community School District](#)

Facts of the Case

John Tinker, 15 years old, his sister Mary Beth Tinker, 13 years old, and Christopher Echardt, 16 years old, decided along with their parents to protest the Vietnam War by wearing black armbands to their Des Moines schools during the Christmas holiday season. Upon learning of their intentions, and fearing that the armbands would provoke disturbances, the principals of the Des Moines school district resolved that all students wearing armbands be asked to remove them or face suspension. When the Tinker siblings and Christopher wore their armbands to school, they were asked to remove them. When they refused, they were suspended until after New Year's Day.

Question

Does a prohibition against the wearing of armbands in public school, as a form of symbolic protest, violate the First Amendment's freedom of speech protections?

Conclusion

Decision: 7 votes for Tinker, 2 vote(s) against

Legal provision: Amendment 1: Speech, Press, and Assembly

The wearing of armbands was "closely akin to 'pure speech'" and protected by the First Amendment. School environments imply limitations on free expression, but here the principals lacked justification for imposing any such limits. The principals had failed to show that the forbidden conduct would substantially interfere with appropriate school discipline.

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Document 3

California Education Code Section 35183

35183. (a) The Legislature finds and declares each of the following:

(1) The children of this state have the right to an effective public school education. Both students and staff of the primary, elementary, junior and senior high school campuses have the constitutional right to be safe and secure in their persons at school. However, children in many of our public schools are forced to focus on the threat of violence and the messages of violence contained in many aspects of our society, particularly reflected in gang regalia that disrupts the learning environment.

(2) "Gang-related apparel" is hazardous to the health and safety of the school environment.

(3) Instructing teachers and administrators on the subtleties of identifying constantly changing gang regalia and gang affiliation takes an increasing amount of time away from educating our children.

(4) Weapons, including firearms and knives, have become common place upon even our elementary school campuses. Students often conceal weapons by wearing clothing, such as jumpsuits and overcoats, and by carrying large bags.

(5) The adoption of a school wide uniform policy is a reasonable way to provide some protection for students. A required uniform may protect students from being associated with any particular gang. Moreover, by requiring school wide uniforms teachers and administrators may not need to occupy as much of their time learning the subtleties of gang regalia.

(6) To control the environment in public schools to facilitate and maintain an effective learning environment and to keep the focus of the classroom on learning and not personal safety, schools need the authorization to implement uniform clothing requirements for our public school children.

Document 4

The Atlantic

How Expanding Student Rights Undermined Public Schooling

There was a time not too long ago when well-intended reformers thought that public schools could be made better by extending due process rights to youth. If kids just had greater legal protections when facing minor day-to-day school discipline, the argument went, schools would be fairer places and student achievement would improve.

It hasn't worked out that way. Instead, schools today often lack the capacity to support youth development, and advocacy organizations continue to issue regular reports on the persistence of racial disparities in the application of school discipline. How did we get here, and what is to be done to restore the capacity of educators to improve public school performance?

It is one of the great ironies of U.S. educational history that authority relationships between public school students and educators were altered in historically and cross-nationally unprecedented ways by the federal government. This federal support took the form of the establishment of legal advocacy organizations that not only sued local public schools, but also devised legal strategies that resulted in the Supreme Court's *Goss v. Lopez* (1975) decision extending rudimentary due process rights to public school students who faced even minor day-to-day discipline. And within a month of *Goss*, in *Wood v Strickland*, the Supreme Court put public school educators on notice that if they knowingly violated a student's due process rights, they could be held individually and personally liable.

Once public school teachers learned they could be held personally liable for failing to follow ambiguously defined due process provisions when disciplining students, they worked through their unions to offload responsibility for these school functions. Union contracts would come to insist that teachers not be involved in maintaining order and discipline outside their classrooms. Teachers attempting to break up fights in many of today's public school have grown accustomed to the refrain: "Get your hands off me or I will sue you." While these legal threats are, of course, seldom pursued, what has changed is that the taken-for-granted assumption that educators had moral authority was significantly undermined.

In addition, schools facing the threat of litigation initially pulled back from strictly enforcing rules. Then as legislators, educators, and citizens grew increasingly concerned with school disorder and violence, administrative remedies were sought. Rather than restoring traditional discretionary authority to teachers and administrators, draconian school security measures, uniformed security guards, and zero-tolerance mandates were often imposed on local schools.

Well-intended efforts to improve youth outcomes through legal intervention into traditional matters involving educators, students, and their parents has produced a system of school discipline that is incapable of fostering the positive authority relationships necessary for youth to come to internalize

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and accept conventional societal norms, values, and attitudes. Worse still, public school students who had greater rights ended up not perceiving school discipline as fairer, but just the opposite. The more rights students thought they had, the more injustice they perceived in their everyday school lives. Students in Catholic schools, for example, who had many fewer legal protections than public school students, have in recent decades been significantly more likely to report that school discipline was fairer. And it turns out that students' perceptions of fairness – not the level of strictness – is what makes school discipline most effective at aiding youth development.

Today, while a new generation of school reformers tinker with curriculum, school size, testing accountability regimes, and other initiatives, this core contemporary problem of public schooling has been left largely unaddressed. To improve public schooling, one must recognize that positive relationships between educators and students are at the center of any productive educative process in formal schooling. Good luck with improving school performance by implementing a curriculum reform based on standards or accountability if you haven't first ensured that students respect the moral authority of public school educators so that the reforms have a chance to succeed.

If the imposition of law into education got us into this mess, I am quite skeptical that different types of law, regulation, and formal policies could effectively help us to remedy this situation. Instead, we need less law in this area: regulations and requirements for zero-tolerance policing of youth should be dismantled; and the Supreme Court, while continuing to support the democratic rights of students to exercise freedom of expression, should revisit the issue of school discipline per se and require due process protections only when students are being threatened with long-term exclusion from public schools. In minor, day-to-day discipline, the courts have no business being involved in public education. They should leave these matters to professional educators who are trained to address such issues.

We don't need to accept a school system in which educators' fear of being sued prevents them from doing what is pedagogically right.

Document 5

J.S. v. Bethlehem Area School District

Facts of the Case

J.S., a minor, and his parents H.S. and I.S. appealed the July 23, 1999 decision of the Court of Common Pleas of Northampton County in which the court agreed with the decision of the Bethlehem Area School District to permanently expel J.S. from its schools.

In May of 1998, J.S. was in the eighth grade at Nitschmann Middle School, which is located within the School District. Sometime prior to May, J.S. created a website on his home computer on his own time. The website, "Teacher Sux," consisted of several web pages that made derogatory and threatening comments about J.S.'s algebra teacher, Mrs. Fulmer, and derogatory comments about Nitschmann Principal, Mr. Kartsotis. On or about July 30, 1998, the school district sent a letter stating its intent to suspend J.S. for a period of three days, which alleged that violations of district policy through three Level III offenses: threat to a teacher, harassment of a teacher and principal and, disrespect to a teacher and principal. After a hearing on the suspension, the district decided to extend the suspension to ten days and began expulsion proceedings against J.S. Based upon its findings, the school board voted to permanently expel J.S. from its schools. J.S. and his parents appealed the board's determination to trial court, which affirmed. On appeal to the Commonwealth Court, J.S. argued that his constitutional rights were violated, the school district committed errors of law and, the school district's findings of fact are not supported by substantial evidence.

Decision of the Court

On July 14, 2000, The Commonwealth Court, No. 2259 C.D. 1999 affirmed the decision of the Court of Common Pleas of Northampton County.

Basis of the Decision

The Commonwealth Court stated that: (1) the expulsion did not violate the First Amendment free speech guarantee; (2) the student was not entitled to a three-month continuance, until Thanksgiving break, to attend expulsion proceeding; (3) the expulsion did not violate equal protection; (4) the student had no expectation of privacy in his website; and (5) the evidence supported decision to expel student.

In reaching its decision the Commonwealth Court based its decision on a number of court cases and references to the school code to support its affirmation of the Court of Common Pleas of Northampton County. In dealing with the issue of the student's claim that his constitutional right of free speech had been violated, the Commonwealth Court made reference to a number of cases dealing with students and their right to free speech. *Tinker v. Des Moines Indep. Community Sch. Dist.*; *Bethel Sch. Dist. No. 403 v. Fraser*; *Donovan v. Ritchie*; *Fenton v. Stear*; *Beussink By and Through Beussink v. Woodland R-IV Sch. District*. All of these cases illustrate that the courts have allowed school officials to discipline students for conduct occurring off school premises where it is established that the conduct materially and substantially interferes with the educational process. The Commonwealth Court agreed with the lower court when it ruled that student's website did have a substantial impact on the school community and that the trial court determined correctly that the school district did not violate the student's rights under the First Amendment.

Document 6

“The Whistleblower”

From: *Let the Students Speak! A History of the Fight for Free Expression in American Schools*

By: David L Hudson Jr., 2011

In explaining that students had no rights, Justice Clarence Thomas specifically cited not only the “Old Jack Seaver” case, but also a case involving a student who raised a school safety issue in *Wooster v Sunderland* (1915). In 1913, in the spring of his senior year, Earl Wooster, a public high school student in Fresno, California, learned the hard way that students possessed few rights. While a student at Fresno High School, Wooster had learned the ropes of the newspaper industry from the legendary editor of the *Fresno Morning Republican*, Chester Harvey Rowell. Wooster first worked as a delivery boy and then as a mailroom clerk. Perhaps his experience at a publication devoted to free expression inspired Wooster to believe in his own right to speak out against perceived abuses. Perhaps working under the tutelage of Rowell, a leader of the so-called “Republican progressives,” also moved Wooster to appreciate the value of speech as an engine of social change.

Not only did Wooster acquire an appreciation for free expression, he also learned the value of hard work, as he balanced school and work. He went to school during the day and then worked at the paper at night, sometimes arriving at work at 2:00 am for cleaning duties. In an oral history published by the University of Nevada, Wooster admitted that “I was no angel in any sense,” but he developed a strong work ethic and sense of right and wrong—and he would not back down if people in authority were wrong.

Wooster’s willingness to stand up for what he believed landed him in a conflict with school officials at Fresno High. A group of students had decided to have what Wooster termed an “interclass fight.” He recalled that such fights were really very asinine, but they were very dear to the hearts of the students—both girls and boys.” However, school officials weren’t so enamored of student fights. They learned about the planned fight and ordered students not to participate. This upset many students and five students responded by driving to the house of the principal, Mr. Frederick Liddeke, and chanting, “To hell with Liddeke.”

Liddeke, who had come to admire Wooster for his candor on other school matters during the year, questioned the student about the incident. Wooster truthfully denied that he had participated in principal bashing. School officials then called a meeting of the entire student body to discuss the situation and why they had interceded to stop the fight. At the meeting, Wooster stood up before the student body to make the striking observation that “if the school board was so interested in keeping the bones of the students from being broken, probably they’d put some fire exits on the assembly hall.”

In other words, Wooster made the valid point that if school officials were going to express concern about student safety, perhaps they should pay attention to fire codes in the gymnasium and the chemistry room. A local newspaper printed Wooster’s speech drawing attention to student discipline and fire safety problems. As Wooster recalled in his memoir, some school officials became so incensed that they later pulled him off the stage during a Shakespearean play he was performing at the school. The officials ordered Wooster, still dressed in his costume from the play, to retract his critical comments. Earl adamantly refused to do so. Why, he thought, should he apologize for speaking the truth?

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During an interview years later, Wooster said that if school officials had told him they were planning to place fire escapes in the assembly hall, he would have apologized. Instead, he believed school officials treated him poorly. After he refused to take back his critical comments, the school board in Fresno suspended him.

“It created a terrific furor in the community, and the night of graduation, they almost had a riot when they gave out unsigned diplomas to the students,” Wooster recalled. School officials had decided to expel him and withhold his diploma until he apologized. They also told Wooster to address the school board and explain his actions. He attended the meeting and explained his position. He admitted that his speech “was intended as a slam” against the school officials.

Attorney E.A. Williams offered to represent Wooster and his father, filing a lawsuit against the school board for withholding Earl’s diploma. The lawsuit contended that the actions of the school board were unreasonable. Trial judge H.Z. Austin rejected Wooster’s argument and sided with school officials.

Determined to continue, Wooster appealed the trial court’s decision to the California Court of Appeals. On March 15, 1915, the appeals court issued its opinion on *Wooster v. Sunderland*, affirming the trial judge’s ruling. The appellate court wrote at length about the duty of students to exercise proper deportment and fulfill the “obligation of obedience to lawful commands.”

The appellate court found that Wooster had delivered his “incendiary address” in a “caustic” manner and that it had the effect of “creating in the minds of the students a spirit of insubordination and was subversive of the good order and discipline of the school.” Schools could punish students who intended to foment disrespect among their peers toward school officials, the court reasoned.

The appeals court focused on the legal argument that expulsion was too harsh a remedy for Wooster’s speech about potential safety problems in the school. Though the court acknowledged that the penalty bordered on the extreme, it still sided with school officials. “In the present case an apology would have been adequate punishment for the misconduct,” the court wrote, but Wooster’s refusal to make an apology “not only accentuated his misconduct but made it necessary for the defendants to resort to an order of expulsion.”

Modern readers might find it remarkable that the California appeals court failed to mention the First Amendment, freedom of speech, or freedom of expression. The entire opinion instead focused on the authority of the school board, the duty of students to obey, and the reasonableness of the punishment. The opinion largely ignored the fact that Wooster was a whistleblower of sorts. The court didn’t address the content of his speech and didn’t address whether his warnings about possible fires and safety were true or false. Instead the opinion focused on the authority of school officials and reasonableness of punishment. That explains why Justice Thomas found it an appealing precedent to cite for his declaration that students should have no First Amendment rights.

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Document 7

“Columbine”

From: *Let the Students Speak! A History of the Fight for Free Expression in American Schools*

By: David L Hudson Jr., 2011

In February 1999, a high school student penned an essay for his creative writing class about a mysterious man with black gloves, a black trench coat, and black duffel bag who massacred a group of students he disdainfully referred to as “preps”:

Before I could see a reaction from the preps, the man had dropped his duffel bag, and pulled out one of the pistols with his left hand. Three shots were fired. Three shots hit the largest prep in the head. The shining of the streetlights caused a visible reaction off the droplets of blood as they flew away from the skull. The blood spatters showered the preps buddies, as they were to [*sic*] paralyzed to run.

The violent essay included students falling helplessly and terrorized victims. The piece lacked any empathy whatsoever for the tortured victims—only for the murderous hero-villain. The antihero caused carnage with guns, a black knife, and an explosive device. At the end of his rampage, the man turned to glare at the writer with an “unforgettable look.”

“If I could face an emotion of god, it would have looked like the man,” the student writer continued. “I not only saw in his face, but also felt emanating [*sic*] from him power, complacency, closure and godliness.” The student wrote that he “understood” the actions of the man who was hell bent on unleashing death and destruction. The student’s essay conveyed a protagonist prone to acting out his selfish desires—no matter how harmful—in the spirit of Fyodor Dostoyevsky’s “superman” character from *Crime and Punishment*, Raskolnikov.

The student turned the essay into his creative writing teacher, Judith Kelly, who recognized the creativity and storytelling gifts of her young pupil. She also saw something more sinister—a disturbed and troubled soul. She noted the “great details” and scribbled “quite an ending” on the assignment. But she also was perturbed by the student’s excessive use of profanity in the piece, writing: “you are an excellent writer and storyteller, but I have some problems with this one.”

Kelly found the piece to be a glorification of violence, an over-the-top homage to a homicidal maniac. In an official police statement, she would later describe the essay as “literary and ghastly—the most vicious story I ever read.” After reading the assignment, Kelly questioned her student about his seeming preoccupation with murder and mayhem, with a character who seemed to enjoy the visceral thrill of the kill.

The student assured her that the essay was simply fiction, an outlet for his imagination. The teacher didn’t buy that explanation, perhaps in part because the teenager earlier in the semester had turned in a twelve-page report on the “Mind and Motives of Charles Manson.” Upon reading the violent essay, Kelly spoke with the student’s parents, who assured her it was probably all attributable to adolescent angst. It was—after all—merely a literary exercise, not a psychological profile.

Despite assurances from the teenager’s parents, Kelly contacted a school guidance counselor, who spoke to the boy. Once again the student said, “It’s just a story.”

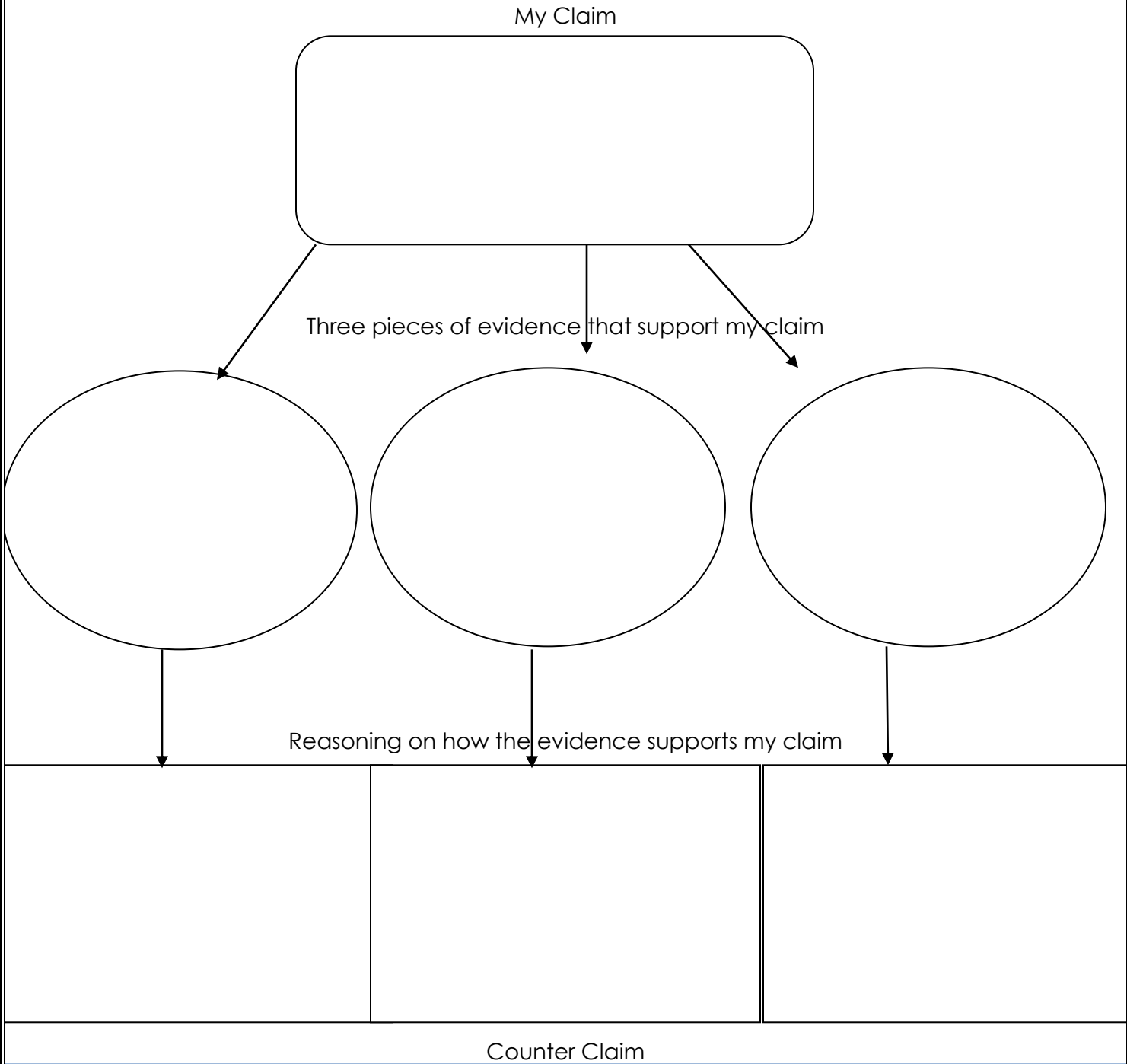
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It turned out that it was more than “just a story.” The story’s author was seventeen-year-old Dylan Klebold, a senior at Columbine High School in Littleton, Colorado. Klebold and his friend Eric Harris—another creative writing student—carried out the notorious shooting at their school on April 20, 1999 that left 13 dead and many others wounded. The Columbine shooting not only changed the culture in America’s schools but also left indelible imprints on the future of student speech.

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Students Freedom of Expression Pre- write

Task: **TYPE** a six paragraph essay on our fishbowl discussion on: Should the courts restrict students' freedom of expression? In your essay you need to **use evidence from the readings** that supports **your claim**. Also make sure to **provide reasoning** why your evidence supports your claim. Finally, make a **counter claim** to your argument from the information in the readings. The template below when filled out correctly will help you organize your thoughts before you write your essay.



Student: _____

CATEGORY	10	8	6	4
Counter Claim	The counter claim is clear and counters the claim.	The counter claim is clear but does not counter the original claim.	The counter claim is unclear and does not counter the original claim.	There is no counter claim.
Evidence	Includes 3 or more pieces of evidence (facts, statistics, examples, real-life experiences) that support the claim.	Includes 2 pieces of evidence (facts, statistics, examples, real-life experiences) that support the position statement.	Includes 1 piece of evidence (facts, statistics, examples, real-life experiences).	There is no evidence used to support the claim.
Citations	Citations are used for ALL facts and correctly cited.	Citations for all but one fact are correctly cited.	Two or more facts were incorrectly cited.	None of the facts were correctly cited.
Claim	The claim is clear and is in the opening paragraph.	The claim is clear but is not in the opening paragraph.	The claim is not clear.	There is no claim.
Reasoning	There is reasoning for all three pieces of evidence.	There is reasoning for two pieces of evidence.	There is reasoning for one piece of evidence.	There is no reasoning for the three pieces of evidence.

Total ____ / 50

Fishbowl Note Taker

Before Discussion

Your Initial stance: (“I Believe...”)

3 Pieces of Evidence:

A.

B.

C.

During Discussion

Rebuttal to someone who disagrees with you: (insert name) brings up an interesting point, because

1 piece of Evidence:

1st Question for others:

2nd Question for others:

After Discussion

Did your opinion change: (Circle One)

Yes or No

Reason: (whether Yes or No)

New Ideas or concepts you hadn't thought of:

