
CONSTITUTIONAL LAW & STUDENT RIGHTS

A Comprehensive Unit for Law, Mock Trial
& Justice Studies

Grades 9–12 | 3-Week Unit | 15 Lesson Plans
Primary-Source Heavy | Case Analysis | Moot Court

First Amendment • Fourth Amendment • Due Process
Equal Protection • Current Controversies

UM Printables

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UNIT OVERVIEW

COURSE CONTEXT

This three-week unit is designed for students in Grades 9–12 enrolled in Law, Mock Trial, or Justice Studies courses. It examines constitutional rights as they apply specifically within the school environment, using landmark Supreme Court cases, primary source documents, and real-world scenarios to develop legal reasoning, critical thinking, and civic literacy. The unit is primary-source heavy: students read excerpts from actual Supreme Court opinions, dissents, and legal briefs, building the analytical skills essential for mock trial competition and legal studies.

ESSENTIAL QUESTIONS

- How does the U.S. Constitution protect — and limit — the rights of students within public schools?
- Where is the line between individual liberty and institutional authority in a school setting?
- How have landmark Supreme Court decisions shaped the balance between student rights and school safety?
- How do evolving technologies and social norms challenge existing constitutional interpretations?
- What role should students play in advocating for their own constitutional rights?

UNIT LEARNING TARGETS

- Analyze the text and historical context of the First, Fourth, Fifth, and Fourteenth Amendments as they relate to students.
- Evaluate landmark Supreme Court decisions using the IRAC (Issue, Rule, Application, Conclusion) method.
- Compare and contrast the scope of constitutional protections inside versus outside the school environment.
- Construct evidence-based legal arguments for both sides of a constitutional issue.
- Participate in Socratic dialogue and moot court proceedings using formal legal reasoning.
- Apply constitutional principles to contemporary controversies involving student rights.

ASSESSMENT OVERVIEW

Formative: Case analysis packets, scenario card responses, Socratic seminar participation, exit tickets, homework reflections.

Summative: Moot court simulation (performance-based), unit assessment (multiple choice, short answer, and essay).

SUGGESTED PACING

Week	Focus	Key Cases	Assessment
1	First Amendment in Schools	Tinker v. Des Moines; Bethel v. Fraser; Morse v. Frederick; Hazelwood v. Kuhlmeier	Case Packet #1; Quiz 1
2	Fourth Amendment: Search & Seizure	NJ v. T.L.O.; Vernonia v. Acton; Safford v. Redding	Case Packets #2, #5; Socratic Seminar; Quiz 2
3	Due Process, Equal Protection & Moot Court	Goss v. Lopez; Brown v. Board; Title IX analysis	Case Packets #3, #4; Moot Court; Unit Assessment

WEEK 1: FOUNDATIONS & FIRST AMENDMENT IN SCHOOLS

LESSON 1: Introduction to Constitutional Law & the Bill of Rights | 50–60 min

OBJECTIVES

- Explain the structure and purpose of the U.S. Constitution, with emphasis on the Bill of Rights.
- Identify which amendments are most relevant to student rights in school settings.
- Analyze why the Constitution applies differently in schools than in the broader society.

MATERIALS

Constitutional Law & Student Rights Unit Packet; U.S. Constitution text (pocket Constitution or printed excerpt); Projector/whiteboard; Student notebooks

KEY VOCABULARY

Constitution, Bill of Rights, amendment, ratification, limited government, enumerated rights, incorporation doctrine

OPENING	(5 min)	Display the Preamble on the board. Ask: <i>“Which words suggest that the Constitution protects people like you?”</i> Students write a 2-sentence response, then share with a partner. Brief class discussion of responses.
CORE INSTRUCTION	(25 min)	Mini-Lecture (10 min): Overview of the Constitution’s structure (Articles I–VII), the addition of the Bill of Rights (1791), and the concept of limited government. Emphasize that the Bill of Rights was originally a limit on the federal government only — the 14th Amendment’s Due Process Clause later “incorporated” most rights against the states. Amendment Sorting Activity (15 min): Distribute cards with the text of Amendments 1–10. In small groups, students sort amendments into three categories: (1) Rights Most Relevant to Students, (2) Rights Somewhat Relevant, (3) Rights Least Relevant. Groups post and justify their rankings. Guide class to see that the 1st, 4th, 5th, and 14th Amendments are most frequently at issue in schools.
APPLICATION	(10 min)	Quick-Write & Discussion (10 min): Students respond to the prompt: <i>“The Bill of Rights protects individual freedoms, but schools have special rules. Should students have the same constitutional rights inside school as outside? Why or why not?”</i> Share responses in pairs, then invite 3–4 students to share with the class. Record key arguments on the board.
CLOSING	(5 min)	Exit Ticket: Name two amendments you believe are most important for students and write one sentence explaining why for each.

HOMEWORK

Read the First Amendment text. Write a paragraph explaining what each of the five freedoms protects in your own words.

LESSON 2: First Amendment in Schools — Free Speech Foundations | 50–60 min

OBJECTIVES

- Identify the five freedoms protected by the First Amendment and explain their significance.
- Distinguish between protected and unprotected speech under current legal doctrine.
- Analyze why free speech rights may be limited in a school context.

MATERIALS

First Amendment text; “Types of Speech” handout; Scenario Cards 1–4 (from Scenario Card set); Student notebooks

KEY VOCABULARY

freedom of speech, freedom of the press, freedom of assembly, freedom of religion, petition, symbolic speech, prior restraint, unprotected speech (obscenity, defamation, incitement, true threats)

OPENING	(5 min)	Bell Ringer: “Can a principal stop you from wearing a political T-shirt to school? Why or why not?” Students write for 2 minutes, then discuss briefly. Collect initial positions (yes/no) via hand raise — record numbers on the board for later comparison.
CORE INSTRUCTION	(25 min)	Lecture & Discussion (15 min): Break down the five freedoms of the First Amendment. Explain the concept of symbolic speech (actions that communicate ideas, like wearing armbands or burning a flag). Discuss categories of unprotected speech: obscenity, defamation, incitement to imminent lawless action, and true threats. Introduce the central tension: the First Amendment applies in school, but the Supreme Court has recognized that schools may impose reasonable restrictions that would be unconstitutional outside school. Guided Practice (10 min): Distribute the “Types of Speech” handout. Walk through examples: a student wearing a black armband to protest a war (symbolic, likely protected), a student shouting a false fire warning in a crowded hallway (unprotected — incitement/true threat), a student publishing a critical editorial in the school newspaper (protected but with school-specific limits, preview of Hazelwood). Students label each as “Protected,” “Unprotected,” or “Depends on Context.”
APPLICATION	(15 min)	Scenario Card Activity (15 min): Distribute Scenario Cards 1–4. In groups of 3–4, students read each scenario, identify the constitutional issue, and argue whether the student’s speech should be protected. Groups present their reasoning for one scenario to the class.
CLOSING	(5 min)	Revisit the bell ringer question. Ask students to vote again — have any positions changed? Students write a one-sentence summary of the key principle they learned about speech in schools.

HOMEWORK

Read the provided background summary of *Tinker v. Des Moines Independent Community School District* (1969). Highlight key facts and annotate the summary with questions or observations.

LESSON 3: Tinker v. Des Moines — Primary Source Case Analysis | 50–60 min

OBJECTIVES

- Analyze the facts, issues, reasoning, and holding of *Tinker v. Des Moines* using the IRAC method.
- Read and interpret excerpts from Justice Fortas’s majority opinion as a primary source.
- Evaluate the “material and substantial disruption” standard and apply it to new scenarios.

MATERIALS

Case Analysis Packet #1: *Tinker v. Des Moines* (from this resource); Highlighters; IRAC method reference card; Projector/whiteboard

KEY VOCABULARY

IRAC (Issue, Rule, Application, Conclusion), majority opinion, dissent, material and substantial disruption, prior restraint, symbolic speech

OPENING	(5 min)	Display the following quote from Justice Fortas on the board: <i>"It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."</i> Ask students: <i>"What does this mean? Do you agree?"</i> Brief discussion to set up the case.
CORE INSTRUCTION	(25 min)	Case Background (5 min): Review the facts of <i>Tinker</i> : John and Mary Beth Tinker wore black armbands to school to protest the Vietnam War; the school suspended them; the case reached the Supreme Court. Primary Source Reading & IRAC Analysis (20 min): Distribute Case Analysis Packet #1. Students read the majority opinion excerpt independently or in pairs, using the IRAC framework to guide their analysis: Issue — Does the armband ban violate the First Amendment? Rule — Students have free speech rights unless the speech causes a material and substantial disruption or invades the rights of others. Application — The armbands were silent, passive, and caused no disruption; the school's fear of disturbance was not enough. Conclusion — The school's policy was unconstitutional. Students complete the analysis questions in the packet.
APPLICATION	(10 min)	Small Group Discussion (10 min): Groups discuss: <i>"Justice Black dissented, arguing that the Court's decision would make schools places where students could protest anything. Was he right? What examples from today support or refute his concern?"</i> Groups share one insight with the class.
CLOSING	(5 min)	Exit Ticket: In your own words, state the <i>Tinker</i> standard for when a school may restrict student speech.

HOMEWORK

Complete any unfinished portions of Case Analysis Packet #1. Read the brief summary of *Bethel School District v. Fraser* provided in the unit packet.

LESSON 4: Speech Extensions — Fraser, Frederick & Hazelwood | 50–60 min

OBJECTIVES

- Compare the *Tinker* standard with the standards established in *Fraser*, *Fredrick*, and *Hazelwood*.
- Explain why schools may regulate lewd speech, speech promoting illegal activity, and school-sponsored speech.
- Analyze how the Supreme Court has created different categories of student speech with different levels of protection.

MATERIALS

Comparison Chart handout; Summaries of *Fraser*, *Morse v. Frederick*, and *Hazelwood v. Kuhlmeier*; Scenario Cards 5–8; Student notebooks

KEY VOCABULARY

MOOT COURT SIMULATION GUIDE

A moot court is a simulation of an appellate court hearing. There is no jury, no testimony, and no cross-examination of witnesses. Attorneys argue the *law* and the *interpretation of the Constitution* before a panel of Justices.

MOOT COURT CASE: DOE v. VIRTUAL HIGH SCHOOL

Facts: Jamie Doe, a junior, created an Instagram account from home on a Saturday, posting satirical memes mocking the principal's new tardy policy. One meme implied the principal was a dictator. The principal suspended Jamie for 5 days, claiming the posts caused a 'substantial disruption' because students were talking about it in class instead of doing their work. No fights or threats occurred. Jamie sues, claiming a violation of the First Amendment.

ROLE DESCRIPTIONS

- **Petitioner (Jamie Doe's Attorneys):** Argue that the school violated Jamie's First Amendment rights. You must prove the speech was protected under *Tinker/Mahanoy* and that the disruption was not 'material and substantial.'
- **Respondent (School District's Attorneys):** Argue that the school's actions were constitutional. You must prove the speech caused a substantial disruption to the educational environment, or falls under an exception like *Fraser*.
- **Supreme Court Justices:** You are the arbiters of the law. You must prepare at least 3 probing questions for each side. You will deliberate and write a majority opinion deciding the case.

COURT PROCEEDINGS TIMELINE (45 MIN)

Time	Phase	Description
0–2 min	Call to Order	Chief Justice announces the case and rules of decorum.
2–12 min	Petitioner's Argument	Attorneys present their case. Justices may interrupt with questions at any time.
12–22 min	Respondent's Argument	Attorneys present the school's defense. Justices may interrupt with questions.
22–27 min	Rebuttal / Surrebuttal	Each side has 2.5 minutes to clarify or counter the opponent's arguments.
27–37 min	Judicial Deliberation	Justices discuss the case openly at the bench, referencing the arguments and case law.
37–45 min	Opinion Delivery	Chief Justice announces the ruling. A Justice reads the majority opinion; a dissenting Justice may read theirs.

STUDENT RIGHTS REFERENCE POSTER

Print this page as a large poster or provide as a quick-reference handout for students.

YOUR CONSTITUTIONAL RIGHTS IN SCHOOL

1st AMENDMENT Freedom of Speech & Expression	THE RULE: You have the right to express your opinions in school, but the school can limit speech if it causes a material and substantial disruption or invades the rights of others.	KEY CASES: • <i>Tinker v. Des Moines</i> (Armbands = protected) • <i>Fraser</i> (Lewd speech = not protected) • <i>Hazelwood</i> (School newspaper = school can edit) • <i>Mahanoy</i> (Off-campus social media = mostly protected)
4th AMENDMENT Search & Seizure / Privacy	THE RULE: School officials can search you without a warrant or probable cause, but they must have reasonable suspicion and the search must be reasonable in scope (not excessively intrusive).	KEY CASES: • <i>NJ v. T.L.O.</i> (Reasonable suspicion standard) • <i>Vernonia v. Acton</i> (Drug testing athletes = OK) • <i>Safford v. Redding</i> (Strip search = too intrusive)
14th AMENDMENT Due Process & Equal Protection	THE RULE (Due Process): Before suspending you, the school must give you notice of what you did and a chance to tell your side . THE RULE (Equal Protection): The school cannot discriminate against you based on race or gender.	KEY CASES: • <i>Goss v. Lopez</i> (Right to a hearing before suspension) • <i>Brown v. Board</i> (Racial segregation is illegal) • Title IX: Federal law banning sex discrimination in schools.

UNIT ASSESSMENT

Constitutional Law & Student Rights — Summative Assessment

Name: _____ Date: _____ Period: _____

SECTION 1: MULTIPLE CHOICE (2 pts each)

1. According to *Tinker v. Des Moines*, under what circumstance may a school restrict a student's First Amendment right to free speech?

- A. If the principal personally disagrees with the message.
- B. If the speech causes a material and substantial disruption to the educational environment.
- C. If the speech is delivered on a Friday afternoon.
- D. If the speech criticizes the school's lunch menu.

2. In *Bethel School District v. Fraser*, the Supreme Court ruled that schools may discipline students for:

- A. Any political protest.
- B. Lewd, vulgar, or offensive speech at a school-sponsored event.
- C. Wearing provocative armbands.
- D. Writing critical editorials in the school paper.

3. The 'reasonable suspicion' standard for searching students in public schools was established by which case?

- A. *Tinker v. Des Moines*
- B. *Vernonia v. Acton*
- C. *New Jersey v. T.L.O.*
- D. *Goss v. Lopez*

4. Under *NJ v. T.L.O.*, a search by a school official is reasonable in scope if it is:

- A. A full strip search for any minor infraction.
- B. Related to the objectives of the search and not excessively intrusive.
- C. Conducted without any justification.
- D. Limited only to the student's locker, never their bag.

5. Which case established that students have a right to basic due process (notice and a hearing) before being suspended?

- A. *Goss v. Lopez*
- B. *Hazelwood v. Kuhlmeier*
- C. *Morse v. Frederick*
- D. *Safford v. Redding*

6. In *Mahanoy Area School District v. B.L.*, the Supreme Court ruled that:

- A. Schools have unlimited authority over off-campus social media speech.
- B. Schools cannot regulate off-campus speech unless it causes a substantial disruption.

ANSWER KEY

Constitutional Law & Student Rights — Summative Assessment Key

SECTION 1: MULTIPLE CHOICE

1. B
2. B
3. C
4. B
5. A
6. B
7. C

SECTION 2: SHORT ANSWER

8. Probable cause requires a reasonable belief that a crime has been committed and that evidence will be found, typically required for police to obtain a warrant. Reasonable suspicion is a lower standard requiring only specific, articulable facts suggesting a school rule or law has been broken. The Court lowered the standard in *T.L.O.* because schools have a custodial responsibility, a need for swift discipline, and students have a reduced expectation of privacy in the school environment.

9. Prong 1 (Justified at inception): There must be reasonable suspicion that the search will reveal evidence of a violation. Prong 2 (Reasonable in scope): The search measures must be reasonably related to the objectives of the search and not excessively intrusive given the student's age, sex, and the nature of the infraction. Example: A teacher has reasonable suspicion a student stole a calculator (justified). The teacher searches the student's bag and finds it, but then continues to search the student's wallet and phone (unreasonable scope, as a calculator cannot fit in a wallet).

10. In *Tinker*, the Court protected personal, passive, symbolic speech (armbands) because it did not cause a material disruption. In *Hazelwood*, the Court allowed the school to censor a school-sponsored newspaper because it was part of the school curriculum and the school has editorial control over school-sponsored activities, as long as the restriction is reasonably related to legitimate pedagogical concerns. Personal speech gets more protection than school-sponsored speech.

SECTION 3: ESSAY RUBRIC & KEY POINTS

Component	Points	Key Elements Required
Arguing for Alex (Petitioner)	4	Cites <i>Mahanoy</i> (off-campus speech is generally beyond school authority). Cites <i>Tinker</i> (speech is protected unless it causes a substantial disruption). Argues the disruption was minor or not directly caused by the speech itself.
Arguing for the School (Respondent)	4	Argues that the off-campus speech caused a substantial disruption inside the school (students skipping class, 15-minute delay). Uses <i>Tinker</i> 's disruption standard to justify the suspension.
Conclusion	2	Clear statement of which side is stronger, supported by legal reasoning rather than just personal opinion.

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