



Students and the First Amendment:

A Mahanoy Area School District v. B.L. (Levy) Lesson Plan

Description

In this lesson, students will explore the 2021 Supreme Court Case “Mahanoy Area School District v. B.L. (Levy).” Students will examine the background of the case and its path to the Supreme Court. In addition, students will review the oral arguments of the case, the decision and rationale written by Supreme Court Justices Breyer and Alito as well as the dissent authored by Justice Thomas. This lesson includes a focus on how this case fits into the context of other student expression cases including *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeier*, *Bethel v. Fraser*, and *Morse v. Frederick*.

Objectives

- ☐ Students will examine the background facts of the case Mahanoy v. “Levy” case.
- ☐ Students will analyze the oral arguments presented in the Supreme Court case and opinions written in the case.
- ☐ Students will compare and contrast how the outcome of this case fits into the larger context of other major student free expression cases.

Common Core State Standards

CCSS.ELA-LITERACY.RH.9-10.8	Assess the extent to which the reasoning and evidence in a text support the author's claims.
CCSS.ELA-LITERACY.RH.9-10.9	Compare and contrast treatments of the same topic in several primary and secondary sources.
CCSS.ELA-LITERACY.RI.9-10.8	Delineate and evaluate the argument and specific claims in a text, assessing whether the reasoning is valid and the evidence is relevant and sufficient; identify false statements and fallacious reasoning.
CCSS.ELA-LITERACY.RI.9-10.9	Analyze seminal U.S. documents of historical and literary significance (e.g., Washington's Farewell Address, the Gettysburg Address, Roosevelt's Four Freedoms speech, King's "Letter from Birmingham Jail"), including how they address related themes and concepts.

Length

Approximately 100 minutes or two 50-minute class periods.

Materials / Resources

1. Supreme Court Decision in PDF:
https://www.supremecourt.gov/opinions/20pdf/20-255_g3bi.pdf
2. OYEZ Webpage summary of the case: <https://www.oyez.org/cases/2020/20-255>
3. SPLC's 5 minute guide to B.L. v. Mahanoy:
<https://splc.org/2021/04/guide-to-b-l-v-mahanoy/>
4. SPLC Responds to the Mahanoy v. B.L. Ruling:
<https://splc.org/2021/06/splc-responds-to-the-mahanoy-v-b-l-ruling/>
5. SPLC's Legal Guide to Bethel School District No. 403 v. Fraser:
<https://splc.org/1986/07/bethel-school-district-no-403-v-fraser-2/>

6. SPLC's Legal Guide to Hazelwood School District v. Kuhlmeier:
<https://splc.org/1988/01/hazelwood-school-district-v-kuhlmeier/>
7. SPLC's Legal Guide to Morse v. Frederick:
<https://splc.org/2007/06/morse-v-frederick/>
8. SPLC's Legal Guide to Tinker v. Des Moines Independent Community School District:
<https://splc.org/2000/12/tinker-v-des-moines-independent-community-school-district/>

Assessment: Integrated into Steps #2 and Step #4.

Lesson step-by-step

Step 1 – (40 minutes): Divide students into 4 groups, and have them review materials #1–2. Ask them to be prepared to summarize the background of the case, the oral arguments presented, and the key points of the Supreme Court decision. Be sure to underscore the importance of being able to understand and articulate how the outcome of the case impacts student [free] expression. Provide them with links to resources #1–3.

Step 2 – (10 minutes): Ask students in each group to collaborate and write a group response to the following questions:

1. What was B.L./Levy's argument that the school violated her First Amendment rights?
2. What did the school claim in its argument that its punishment of B.L. was not a violation of her First Amendment rights?
3. What was the outcome of the case? In other words, what did the Supreme Court decide?
4. How does the Supreme Court decision of the case affect student [free] expression?

Students should hand this in at the end of the class session. If they require more time, they should take it for homework, and turn it in at the beginning of the next class session.

Step 3 – (30 minutes): Reassemble the students into their 4 groups, and assign each group one of the following cases: Bethel v. Fraser, Hazelwood v. Kuhlmeier, Morse v. Frederick, and Tinker v. Des Moines. Ask them to review the SPLC Legal Guide for their assigned case (Resources #5–8). Note: If students are not already familiar with these cases, it might be useful to have a class session summarizing these important cases prior to this lesson. Ask the students to review the outcome of their assigned case and then to compare and contrast it with the outcome of the Mahanoy case. How are each of the cases similar? How are they different? Tell them to be prepared to share their findings with the full class.

Step 4 – (20 minutes): Ask each group to share a 5-minute presentation of their findings while comparing the similarities and differences between their assigned case and the Mahanoy case. Each group should be able to address how the Mahanoy case may change (or not) First Amendment protection for student expression.

Differentiation

If students are not already familiar with previous landmark Supreme Court decisions about student expression and the First Amendment, offer the opportunity to conduct a lesson on these cases. The Student Press Law Center Law Library (<https://splc.org/law-library/>) is an excellent resource for this. Instructors may also choose to add additional cases from this resource for exploration and comparison with the Mahanoy case.

Students attending virtually may be randomly assigned to a Zoom Breakout Room or something equivalent. Students may also be asked to complete the Step #2 assessment individually and/or create individual presentations or reflections of their comparisons between their assigned case and the Mahanoy case.