



School, Students, and Speech: Civics 101's Nick Capodice & BRI's FaBRIC of History, Constitution Day, 2021

In this special episode of the FaBRIC of History, Mary and Gary are joined by Nick Capodice of the podcast Civics 101 to discuss how a recent Supreme Court ruling in the case *Mahanoy v. B.L* affects student rights in school, specifically student speech.

As you view the video, answer the following questions.

Part I: Viewing Guide

- 1) In as few words as possible, what happened that led to the case *Mahanoy v. B.L.*? What constitutional amendment was applicable to this case?
- 2) What was the central question in *Mahanoy v. B.L. (2021)*?
- 3) How did the court decide in *Mahanoy v. B.L. (2021)*?
- 4) What three elements do the speakers say are used to determine speech rights?
- 5) In as few words as possible, what happened that led to the case *Tinker v. Des Moines*? What constitutional amendment was applicable to this case?
- 6) What was the central question in *Tinker v. Des Moines (1969)*?

- 7) How did the court decide in *Tinker v. Des Moines*?
- 8) In *Tinker v. Des Moines*, the court famously interpreted the meaning of the First Amendment to protect student speech by saying students do not “shed their rights to Constitutional rights at the schoolhouse gate?” What was the one key exception to this interpretation?

After you view the video, discuss the following.

Part II: Questions for Discussion

- 1) What do you think the Constitution has to do with student expression?
- 2) Do you think B.L.’s response to not making the varsity cheerleading team was appropriate? Why or why not?
- 3) How would you have ruled in the Mahanoy case? Explain your reasoning.
- 4) Should student speech always be protected, or should there be limits on it? Explain your reasoning.
- 5) Moving forward, how should the Supreme Court interpret what it means to be “at school”? Consider the hybrid and online models of learning recently used during the COVID pandemic.
- 6) What questions do you still have about the Mahanoy case?
- 7) What do you want to know more about?