

Handout 5

Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988).

Factual overview

This is an actual case, decided by the U.S. Supreme Court in 1988.

Three high school students were in a journalism class where they served as staff members for the school newspaper, *Spectrum*. The newspaper was distributed to students, school personnel, and members of the community. It was funded primarily by the Board of Education.

Before publishing an issue, the journalism teacher had to submit a draft to the principal, Mr. Reynolds, for his review. In the spring of 1983, the journalism teacher submitted a draft as usual, but the principal objected to two of the articles. One described three students' experiences with teen pregnancy, and the other discussed the impact of divorce on students at the school.

The pregnancy story used false names to keep the girls' identities secret, but the principal worried that the girls might still be identifiable from details within the story itself. He also believed the divorce story was inappropriate because in it, a named student made specific complaints about bad things her father did. Mr. Reynolds thought that, as a matter of journalistic fairness and integrity, the writers should have given the parents a chance to respond to these remarks, or at least obtained their consent before the article was published.

Because there was not enough time to make the edits before the end of the school year and the publishing deadline, the principal decided to delete the two pages with the articles.

The dispute

- The students said: The school violated our First Amendment free speech rights by deleting two pages of articles from the school newspaper based on what the articles said.
- The school officials said: The school should get to control what kinds of things are published in a newspaper that is school-sponsored.

Opinion

Justice WHITE delivered the opinion of the Court.

The question whether the First Amendment requires a school to tolerate particular student speech—the question that we addressed in *Tinker*¹—is different from the question whether the First Amendment requires a school affirmatively to promote particular student speech. The former question addresses educators' ability to silence a student's personal expression that happens to occur on the school premises. The latter question concerns educators' authority over school-sponsored publications, theatrical productions, and other expressive activities that students, parents, and members of the public might reasonably perceive to bear the imprimatur of the school.² These activities may be fairly characterized as part of the school

¹ Remember, *Tinker* held that the school can't punish students for wearing black armbands, as long as they weren't causing a substantial disruption within the school.

² *Imprimatur of the school* - the school's official approval

curriculum, whether or not they occur in a traditional classroom setting, so long as they are supervised by faculty members and designed to impart particular knowledge or skills to student participants and audiences.

Educators are entitled to exercise greater control over this second form of student expression³ to assure that participants learn whatever lessons the activity is designed to teach, that readers or listeners are not exposed to material that may be inappropriate for their level of maturity, and that the views of the individual speaker are not erroneously⁴ attributed to the school... A school must also retain the authority to refuse to sponsor student speech that might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the shared values of a civilized social order, or to associate the school with any position other than neutrality on matters of political controversy...

Accordingly, we conclude that the standard articulated in *Tinker* for determining when a school may punish student expression need not also be the standard for determining when a school may refuse to lend its name and resources to the dissemination⁵ of student expression. Instead, we hold that educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical⁶ concerns...

It is only when the decision to censor a school-sponsored publication, theatrical production, or other vehicle of student expression has no valid educational purpose that the First Amendment is so directly and sharply implicated⁷, as to require judicial intervention...

We also conclude that Principal Reynolds acted reasonably ...

The initial paragraph of the pregnancy article declared that “[a]ll names have been changed to keep the identity of these girls a secret.” The principal concluded that the students' anonymity was not adequately protected, however, given the other identifying information in the article and the small number of pregnant students at the school... In addition, he could reasonably have been concerned that the article was not sufficiently sensitive to the privacy interests of the students' boyfriends and parents, who were discussed in the article but who were given no opportunity to consent to its publication or to offer a response...

The student who was quoted by name in the ... divorce article ... made comments sharply critical of her father. The principal could reasonably have concluded that an individual publicly identified as an inattentive parent ... was entitled to an opportunity to defend himself as a matter of journalistic fairness...

³ Expression that is part of the school curriculum

⁴ *Erroneously* - incorrectly

⁵ *Dissemination* - spread; circulation

⁶ *Pedagogical* - related to teaching

⁷ *Implicated* - involved; violated

Here, the Court lists some of Principal Reynold's legitimate pedagogical concerns – that is, concerns about the speech that are related to education.

Unit 5: Lesson 2
First Amendment Rights in Schools

[The Principal] could reasonably have concluded that the students who had written and edited these articles had not sufficiently mastered those portions of the Journalism II curriculum that pertained to the treatment of controversial issues and personal attacks, the need to protect the privacy of individuals whose most intimate concerns are to be revealed in the newspaper, and “the legal, moral, and ethical restrictions imposed upon journalists within [a] school community” that includes adolescent subjects and readers... Accordingly, no violation of First Amendment rights occurred.

