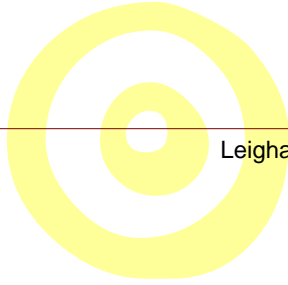


Leigha Tracey

Hazelwood v. Kuhlmeier

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Hazelwood Lesson Plan

Contents

1 Goal - To explain the Hazelwood v. Kuhlmeier case and to raise questions about the validity and practice of Student Press Rights.

2 Objectives

1. Tell the case history
2. Tell about the case itself
3. Discuss the implications of the verdict

3 Materials Needed

1. Computer projector for Power Point Presentation
2. http://www.oswego.org/staff/mmccrobi/Hazelwood_files/outline.htm
3. Pen or pencil
4. Paper

Assessment

1. Class participation
2. Assignment

5 Additional

Hand out



Hazelwood v. Kuhlmeier

Topic: Hazelwood School District v. Kuhlmeier

484 US 260 (1988)

Intro: Student Press Right or Wrong?

Before we get started I am going to read a few statistics and opinions to you that directly relate to the Hazelwood v. Kuhlmeier decision.

In a comprehensive survey given in 1999 to advisers and administrators, it was found that high-school student press in anything but free. Only 27 percent of those polled claimed that their papers are not censored.

Findings include:

1. Both the adviser and principal censor the newspaper.
2. School funding of the paper is an issue in exerting control over what is printed.
3. Principals have the right to censor certain subject matter.
4. Students are engaging in self-censorship.
5. Students should not have editorial control of the newspaper.

Do you agree with these findings? Why and why not?

These findings raise the question of how students are to learn about free press if they are not allowed to practice it.

This is something to keep in mind as I discuss the case.



Lesson (Begin Power Point)

Case History

In 1969, in *Tinker v. Des Moines*, the court ruled that "neither students nor teachers shed their constitutional rights at the schoolhouse gates."

The Story

Hazelwood School District v. Kuhlmeier was argued before the United States Supreme Court on October 13, 1987 and was decided on January 13, 1988. In this case, former high school students who were staff members of the school's newspaper, filed suit in federal district court against petitioners, the school district and school officials.

The principal of the school, Reynolds, had deleted from an issue of the newspaper two pages that included articles discussing the issues of divorce and student pregnancy.

He believed that the article on pregnancy included references to unnamed pregnant students that could be used to identify them. He also objected to the article due to the discussion of sexual activity and birth control, which he believed to be inappropriate for some of the younger students reading the paper. Principal Reynolds also thought that the article on divorce, which quoted a student complaining about her father's conduct, did not practice good journalism because the reporter did not get an opinion from the student's parents.

Finally, the principal believed that there was no time to edit the paper before printing if the paper was to be available by the end of the year. For these reasons, and because he still wanted the newspaper to be published, Principal Reynolds ordered the two pages containing the provocative articles to be removed from the paper just before its printing.



The students alleged that their First Amendment rights were violated by the deletion of the two pages. The district court ruled in favor of the school district, stating that there had been no First Amendment violation.

The students appealed to the court of appeals, which reversed the decision of the District Court and ruled that the students had a right to have the articles published under the First Amendment.

Hazelwood School District took the case to the Supreme Court in an effort to overturn the ruling of the court of appeals. Upon hearing the case, the Supreme Court ruled 5-3 in favor of the Hazelwood School District, reversing the decision of the court of appeals.

The Plaintiffs

The students.

The Defendants

Robert Reynolds, Principal

Board of Education

The Decision

In the majority opinion, written by Justice White, the court stated that Principal Reynolds had acted within his power when he removed two pages from the school newspaper prior to its printing.

The Decision- An Analogy

The court felt that the Principal of the school has an equal position as the Publisher of a professional newspaper.

Do you agree or disagree? Why?

The court felt that under the circumstances of the case, Principal Reynolds had plenty of reason to delete these articles from the paper. The basis for this decision was that the First Amendment rights for a student in a public school are not always equal to those of an adult in society.

The paper itself was written as part of the journalism class within the school and was to be approved by the principal before its publication and presentation to the school. Therefore the staff writers for the paper were under the authority and censorship of the curriculum of the course as well as the principal.

The Reaction

Professionals were worried about the freedoms of their younger counterparts.

According to an article in Journalism Education Today, even those groups that support the Student Press Center do not speak out publicly for their rights. The question is posed, "how can students become responsible journalists and citizens when advisers and principals are making the editorial decisions?"

Result

This case helped to clarify both the First Amendment rights of students in a public school and the ability of a school to censor speech within a school.

Implications and Assessment

The implications of this court decision are still being felt today. What are your views on the impact this decision has on Student Press Rights?

Let's go back to the findings and opinions I mentioned at the beginning. Do you agree or disagree? Write your answers and support your opinion with examples from your own experience.

There are no right or wrong answers. This assignment will be graded on the basis of your ability to state your opinion and support your opinion with examples from your own experience (whether it be personal or from a reading).

Findings include:

1. Both the adviser and principal censor the newspaper.
2. School funding of the paper is an issue in exerting control over what is printed.
3. Principals have the right to censor certain subject matter.
4. Students are engaging in self-censorship.
5. Students should not have editorial control of the newspaper.

Conclusion

There is no doubt that the Hazelwood case has a profound effect on Student Press Rights. It remains to be seen how the First Amendment can and will be applied to High School student publications.

This is an exciting time in the history of Student Press Rights, each case is based on its own merit and the Hazelwood decision could be overturned. Maybe, by your staff.