
This case started in May 1983 in a St. Louis-area high school when the school principal decided not to permit publication of two pages of the school newspaper. The principal's objection was based on two stories, one dealing with the pregnancies of teen-age girls and the other with the experiences of students whose parents had gone through a divorce. The principal later indicated he acted to protect the privacy of students and endorsed the sexual mores of the objectionable, the principal indicated that, under the light of special characteristics of the school environment. White concluded his review of the earlier cases by stating:

We thus recognized that the determination of what manner of speech in the classroom or in school assembly is inappropriate properly rests with the school board, rather than with the federal courts. It is in this context that respondents' First Amendment claims must be considered.

Having established the legal context, Justice White moved to the situation presented by Kuhlmeier. In so doing, he reasoned as follows:

1. School facilities can be deemed to be public forums only in the event that school officials "have by policy or practice" opened those facilities for indiscriminate use by the general public."

2. Where no public forum has been created, the school officials "may impose reasonable restrictions on the speech of students, teachers, and other members of the school community."

3. School authorities do not violate First Amendment rights in "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 pedagogical concerns."

4. A school does not have to tolerate speech that is inconsistent with its basic mission.

5. The desire to protect the privacy of students and parents and the possibility that specific language may be inappropriate for younger students are legitimate concerns for a school principal in making a decision relative to what is appropriate for publication.

6. Education of the nation's youth "is primarily the responsibility of parents, teachers, and state and local school officials, and not of federal judges."

7. Judicial intervention to protect the First Amendment rights of students is required "only when the decision to censor a school-sponsored publication, theatrical production, or other vehicle of student expression has no valid educational purpose."
the basis of this reasoning, the Court rejected the 
appeals finding that the school newspaper was a 
public forum. It found that the “school officials did not 
deviate in practice from their policy that production of 
Spectrum was to be part of the educational curriculum 
and a ‘regular classroom activity.’” The Court stated fur­ther that permitting students to exercise “some author­ity” over the content of Spectrum was fully consistent with 
the instructional objectives of Journalism II but found 
that this did not signify an intent to “relinquish school 
control over that activity.”

The Court emphasized that the newspaper was a 
school-sponsored activity and, as such, would be one 
that the public “might reasonably perceive to bear the 
imprimatur of the school.” By including “theatrical pro­ductions, and other expressive activities,” however, it 
broadened the scope of its decision beyond the school 
newspaper alone. It defined curriculum broadly, includ­ing non-classroom activities, “as long as they are super­vised by faculty members and designed to impart partic­ular knowledge of skills to student participants and 
audiences.”

The Court, having distinguished speech that is per­sonal expression from that which bears the “imprimatur” of 
the school, went on at some length regarding the authori­ties that educators can and should exercise, and is worth 
quoting:

Educators are entitled to exercise greater control over the 
second form of student expression to assure that partic­iants 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 erro­neously attributed to the school. Hence, a school may in 
its capacity as publisher of a school newspaper or pro­ducer of a school play “disassociate itself” not only from 
speech that would “substantially interfere with (its) work 
... or impinge upon the rights of other students,” but 
also from speech that is, for example, ungrammatical, 
poorly written, inadequately researched, biased or preju­diced, vulgar or profane, or unsuitable for immature 
audiences. A school must be able to set high standards 
for student speech that is disseminated under its aus­pices—standards that may be higher than those demand­ed by some newspaper publishers or theatrical producers 
in the “real” world—and may refuse to disseminate stu­dent speech that does not meet those standards. In addi­tion, a school must be able to take into account the emo­tional maturity of the intended audience in determining 
whether to disseminate student speech on potentially 
sensitive topics, which might range from the existence of 
Santa Claus in an elementary-school setting to the partic­lars of teen-age sexual activity in a high-school setting.

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 con­trovery. Otherwise, the schools would be unduly con­ strained from fulfilling their role as “a principal instru­ment in awakening the child to cultural values, in prepar­ ing him for later professional training, and in helping 
him to adjust normally to his environment.

The Court repeatedly distinguished this case from 
Tinker. It noted that Tinker was not intended to imply 
that students have the same rights as adults. It made a 
distinction between speech that involves a student’s per­sonal expression and just happens to occur on school 
grounds (a la Tinker) and speech that is a part of activities 
over which the school would be expected to exercise con­trol (a la Kuhlmeier). It stressed that the standard that 
was used in Tinker “need not be the standard for deter­mining when a school may lend its name and resources 
to the dissemination of student expression.”

The only speech that is clearly excepted is 
that which involves individual student 
expression and which occurs only 
incidentally on school grounds.

The Court dealt specifically with the actions of the 
school principal and found them to be reasonable. It 
found legitimate his concern for the privacy of the three 
pregnant girls and of the “students’ boyfriends and par­ents.” It concluded that it was not unreasonable for the 
principal to feel that the discussion of sexual histories 
and birth control was “inappropriate” for younger stu­dents who would have access to the paper. It accepted 
the principal’s contention that the time factor was such 
that it was not practical to consider simply changing or 
deleting the two articles. It also noted that it would not 
have been unreasonable, given the facts of the situation, 
for the principal to conclude “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.”

In an interesting sidelight, Justice White commented 
on the dissent written by Justice William Brennan. He 
noted that Brennan had acknowledged that school 
authorities always have the option of eliminating the 
short newspaper entirely. White speculated that many
The current attitude of the Supreme Court toward student rights:

1. The guarantees and protections which are provided by the Constitution of the United States are applicable to students; however, these rights will be interpreted in terms of the unique environment that prevails in the public schools.

2. Public school officials, in carrying out certain disciplinary functions, are agents of the state and must act in accord with substantive and procedural guarantees provided in the U.S. Constitution.

3. Students have a legitimate right to privacy; however, this right must be balanced against the state’s right to maintain a school environment that is conducive to learning.

4. School officials are not required to obtain a warrant before searching a student under their authority.

5. The standard test that school officials must meet in search-and-seizure activities is one of “reasonableness.” This is not as severe a test as the “probable cause” standard that prevails in adult, criminal settings.

6. The First Amendment free-speech rights of students are not as extensive as those provided for adults.

7. Schools and parents have a recognized interest in regulating student speech to prevent language that is sexually explicit, vulgar, lewd, or obscene.

8. The decision as to what speech is inappropriate in the public school properly rests with the school board.

9. School authorities do not violate First Amendment rights of students in exercising control over the style and content of student speech in school-sponsored expressive activities as long as their actions are reasonably related to legitimate educational concerns.

10. The courts will intervene to protect the First Amendment rights of students only when the school’s decision to control student expression is made without a valid educational purpose.

11. The school can disassociate itself from speech and/or actions that are inappropriate in the school setting.

12. The school and its organs of communication are not public forums unless school officials have, by policy or by practice, clearly established that they are to be available for use by the general public.

13. Once the decision is made that the school is not a public forum, school officials may impose reasonable restrictions on the speech of students, teachers, and other members of the school community.

These are the principles that lower federal courts and state courts will have to apply in interpreting the U.S. Constitution in future cases involving student rights.

Implications for Educators

Where do the recent Supreme Court decisions leave educators? There seems little doubt that they will have greater authority to administer their schools than they did in the period when Tinker stood almost alone as the prevailing standard. The likelihood that policies, rules, and administrative actions will be upheld
when challenged in court is greater than it was prior to three decisions reviewed in this Memorandum. And since probability of success is a factor in deciding whether to seek court intervention, it is likely that students and their legal representatives will be less willing to seek legal redress based on constitutional claims.

In placing its reliance on school officials, the Court has imposed the standard of reasonableness. It has used the word "reasonable" in regard both to the right to search and the right to regulate student speech. Conclusions as to what constitutes reasonable behavior can best be drawn from how the Court has applied the standard. It is obvious that one basis for reasonable action is that it be grounded on clearly enunciated policies and rules, the contents of which have been communicated to students. There was a rule against smoking in New Jersey v. T.L.O. There was a rule against disruptive speech in Bethel v. Fraser. There were policies regulating the publication of the student newspaper in Hazelwood School District v. Kuhlmeier.

Reasonableness also relates to the specific actions the school—and particularly the school administrator—takes in response to a given situation. The initial search in New Jersey v. T.L.O. was justified by the fact that the student denied, in the face of considerable evidence, having smoked at all. Had the cigarettes not been surrounded by rolling papers, the rest of the search might not have been reasonable. It is worth noting that there was a second student involved in the T.L.O. case. That student readily admitted to having smoked in violation of a school rule. Had T.L.O. followed the same course, it is likely there would have been no reasonable grounds to conduct the subsequent search.

A major factor in establishing reasonableness is the ability of the school or its representatives to recount and provide reasons for actions taken. The Court traced the step-by-step actions of the assistant vice principal in New Jersey v. T.L.O. It traced the actions of the principal in Kuhlmeier and cited as the basis of its decision the principal’s reasons for each of the actions taken. Principals contemplating actions that they know or suspect will interfere with student constitutional rights should ask themselves whether the circumstances leading to their actions will support the conclusion that the actions were reasonable in light of all the circumstances.

ENDNOTES

1. 393 U.S. 503, 89 S. Ct. 733 (1969)
7. For a more complete discussion of this decision, see NASSP Legal Memorandum, September, 1986.

This Legal Memorandum is based upon Phi Delta Kappa Current Issues Memo, and published in this form with their permission.

More Information from NASSP About Student Rights

- School Activities and the Law, by John L. Strope, Jr. When and for what is a principal liable? Are administrators liable for off-campus injuries? Is there a place for religion in the school? These questions and more are answered in this monograph. 80 pp., 1984, $6.75, #1108504.
- "The Student’s Privacy: A Developing Concept, Part One: Student Records." Legal Memorandum, January 1983. $1.25, #1408301.
- "The Student’s Privacy: A Developing Concept, Part Two: School Searches." Legal Memorandum, April 1983. $1.25, #1408304.

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SP President: George W. Fowler Executive Director: Scott D. Thomson Editorial Director: Thomas F. Koeper Assistant Director: Carol Bruce Legal Counsel & Memorandum Writer: Ivan Gluckman
"Congress shall make no law... abridging the freedom of speech, or of the press...." 

From Hazelwood to The High Court

There is hardly a political question in the United States which does not sooner or later turn into a judicial one," wrote Alexis de Tocqueville. Perhaps nowhere does that observation apply more directly than in the realm of the First Amendment, which guarantees the right of free expression.

In May 1983, the principal of a St. Louis high school deleted articles on sex and relationships from the school's newspaper. Three students filed suit, asserting that their First Amendment rights had been violated.

The photos on these pages follow their case as it has grown from a school dispute to an issue of broad legal principle that, on Oct. 13, will be heard by the nation's highest court.

Leslie D. Edwards, left, in her St. Louis law office with Leslie Smart, right, and Leanne Tippett, students who sued their school.
The Road to The Supreme Court

The case has moved through the district and appellate courts and will be heard by the Supreme Court next month.

Clockwise from top: part of the report that was deleted. Cathy Kuhmeier, former layout editor, with the censored issue. Judge John F. Nagle of the Court of Appeals for the 8th Circuit overruled the lower court in favor of the students. From left, Richard S. Arnold, Gerald W. Heaney, Roger L. Wolman, right, dissented. In 1985, the weekend magazine of The St. Louis Globe-Democrat featured

have been a two-pronged topic of controversy, in the Spectrum, a biweekly newspaper at Hazelwood East, north of St. Louis. It went too far:

"The students' articles were descriptive, Cathy\nSmart and Larry Leach. Dr. Reynolds the newspaper's forum."
IT WAS TO have been a two-page report, including the topics of divorce and teen-age pregnancy, in the May 1983 issue of Spectrum, a high school newspaper that had a reputation for covering controversial issues. But to Dr. Robert E. Reynolds, the principal of Hazelwood East High School, just north of St. Louis, some of the articles went too far.

"The students and families in the articles were described in such an accurate way that the readers could tell who they were," said Dr. Reynolds. "When it became clear that the articles were going to tread on the right of privacy of students and their parents, I stepped in to stop the process."

In their lawsuit, three student journalists, Cathy Kuhlmeier, Leslie Smart and Leanne Tippett, argued that Dr. Reynolds had interfered with the newspaper's function as a "public forum."
SCHOOL OFFICIALS argued that the newspaper, as an extension of classroom instruction, did not enjoy First Amendment protections.

"If it gets to the point where people believe they can force changes in school curriculum at the drop of a lawsuit, then education is really in trouble," said the school district's lawyer, Robert P. Baine Jr.

Baine's arguments persuaded Judge John F. Nangle of the United States District Court. In May 1985, he ruled that school officials had "merely exercised their discretion, in a proper manner, with respect to a product of the Hazelwood East curriculum."

On appeal in July 1986, however, a three-judge panel of the Court of Appeals for the Eighth Circuit overturned Judge Nangle's decision, ruling 2-1 that Hazelwood East's Spectrum was, in fact, a "public forum."
SPECTRUM

was a newspaper in the truest sense of the word,” said Leslie D. Edwards, the students' lawyer. “The school's concerns about its content did not justify teaching students that the Government, in the guise of the principal, can suppress critical discussion.”

Four years after the case began, the students are far removed from the issues it will decide. Cathy Kuhlmeier and Leslie Smart are college seniors; Leanne Tippett is a nurse.

“I never thought about going down in history,” said Leslie Smart, the only one of the three who plans a career in journalism. “I just wanted them to publish the story.”

Photographs by Bob Sacha
Text by Mark A. Uhlig

Left: Leslie D. Edwards with B. Stephen Miller 3d, formerly of the American Civil Liberties Union. The case will be her first before the Court.
Above: the Supreme Court Building.
Pressure describes it all

Pregnancy affects many teenagers

By Andrea Callow

Sixteen-year-old Sue had it all—good looks, good grades, a loving family and a cute boyfriend. She also had a seven-pound baby boy. Each year, according to Claire Berman (Reader's Digest May 1980), close to 1.1 million teenagers—more than one out of every ten teenage girls—become pregnant. In Missouri alone, 8,200 teens under the age of 18 became pregnant in 1980, according to Reproductive Health Services of St. Louis. That number was 7,363 in 1981.

Unplanned pregnancies can no longer be dismissed as something that only happens to disadvantaged teens from lower social economic groups. In fact, the highest rise in out-of-wedlock births has been among 15 to 17-year-old whites, according to Claire Berman. Thirty percent of births out of wedlock in Missouri were to white mothers and 19 percent were to young white mothers of other races.

Birth control: Nearly, two thirds of sexually active teenagers do not use birth control if birth control is used, it is used irregularly. The 62 percent who have never used birth control run a high risk of getting pregnant. “I’ve had many a girl tell me she gave her pills to a friend because she wouldn’t be needing them herself that week,” says a nurse who works with pregnant teens (Reader’s Digest, May 1980). “When sex education is offered, it is often confused to diagrams of the uterus and ovaries. A lot of kids have seen a lot of diagrams. What they don’t know is sex can lead to balance!”

Even with the availability of birth control, many teens experiment with sex for months before using contraceptives. “It’s as if being prepared makes one immoral,” says Linda Nessel, who is associated with the Teen Mother program at New York’s YMCA. “These girls believe that if you plan for sex, you’re fast or bad. So it’s the ‘good’ girls who get pregnant.”

Although peer pressure plays a large role in unintended pregnancies, ignorance seems to play the largest part. “In spite of their sexual experience, these youngsters lack in information,” says Naomi Berman, who is also associated with the YMCA program. “They don’t know such basic facts about their bodies as when conception is likely to occur and they’re afraid to ask questions for fear of appearing dumb.”

Mom and dad parents should discuss sex with their children, talking about emotions as well as actions, making their children aware of the parental standing and the reason for them, according to Claire Berman.

However, 36 percent of our countries’ parents say they feel uncomfortable and need help in discussing sex with their own children, says Claire Berman, there are still three live births for every five abortions.

Consequences of the consequences of teenage Pregnancy, 1976-1980

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Obtained from the Missouri Association of Planned Parenthood Affiliates, Inc.

Squall law

by Christine DeHass

The squall rule was proposed by the Health and Human Services Department to help prevent teenage pregnancy and to strengthen the communication bond between parents and their daughters, making teenage sexuality a family matter.

The rule would require
for today's teenagers
teens each year

Propponents say that the rule would decrease pregnancies if put into effect. However, experts say that if the rule was put into effect, teenage pregnancies would increase up to 100,000 a year. For all points, the rule is out of date in a world where male contraceptives are available at the local drug store.

At first we all felt sort of uncomfortable around each other. Now my boyfriend supports our baby totally (except for 2 meals) and my parents really does love us, really don't want to take the responsibility of being a father, but I was very happy. We talked about the baby and what we were going to do and we both wanted to get married. We had talked about marriage before, so we were both sure of what we were doing.

I had no pressures to have sex. It was my own decision. We were going out four or five months before we had sex. I wasn't on any kind of birth control pills. I really didn't want to get them, just not so I could get pregnant. I don't think I'd feel right taking them.

At first my parents were upset and my little brother. They were more scared than me. I was just 17 (nearly) and they became more we cried together and then accepted it.

At first both families were disappointed, but the third or fourth month, when the baby started to kick and move around, my boyfriend and I felt like expecting parents and we were very excited!

My parents really like my boyfriend. At present we all felt sort of uncomfortable around each other. Now my boyfriend supports our baby totally (except for 2 meals) and my parents really does love us, really don't want to take the responsibility of being a father, but I was very happy. We talked about the baby and what we were going to do and we both wanted to get married. We had talked about marriage before, so we were both sure of what we were doing.

I had no pressures to have sex. It was my own decision. We were going out four or five months before we had sex. I wasn't on any kind of birth control pills. I really didn't want to get them, just not so I could get pregnant. I don't think I'd feel right taking them.

At first my parents were upset and my little brother. They were more scared than me. I was just 17 (nearly) and they became more we cried together and then accepted it.
EXHAUSTED?

A legal analysis of the exhaustion of remedies process — are the appeals procedures really necessary for all student grievances?

Who is right? More to the point, who is wrong?

Newspaper staff members of Hazlewood East High School in St. Louis, Mo. prepared a two-page supplement on teenage pregnancy, marriage, runaways, juvenile delinquency and the effects of divorce on families for the March 13, 1983 issue of the Spectrum. After printing the issue, however, editors opened the paper to find that the articles had been deleted by their principal, Robert Reynolds. After voicing protests to Reynolds, the students went directly to the American Civil Liberties Union, bypassing all available in-school remedies, and filed a lawsuit in U.S. District Court.

Now these students await trial in August, to determine whether Reynolds was wrong in removing the articles or whether the students, as the Reynolds claims, were wrong in ignoring in-school appeal procedures to the superintendent and school board, thus violating their "right to due process," as the principal contends. (See story on page 6.)

The students' concern is with censorship. The principal's concern is with what is called the "exhaustion of remedies" process.

The doctrine of exhaustion of remedies states
that when administrative remedies to grievances are provided by statute or school policy, all available solutions to a dispute must first be sought by such remedies before courts will act.

Why one should exhaust remedies

Two reasons exist for requiring exhaustion of remedies: first, to be conservative with judicial resources — to prevent further backlog in the already overburdened courts and second, to encourage the use of administrative avenues which may offer easier, more accessible means of relief.

As demonstrated by the Hazlewood incident, college and high school students often think that resolution in court is the best and perhaps only way to obtain redress when they feel their First Amendment rights have been violated. Frequently they are unaware that there are methods of negotiation before going to court.

A group of high school students at Walter Johnson H.S. in Bethesda, Md., on the other hand, were very aware of and strictly adhered to the exhaustion of remedies process last spring after publications adviser Susan Cecil prohibited a group of student-paid advertisements from being printed in the 1984 Windup (See story on page 7.) The ten pages of ads she opposed had pictures of students drinking beer, beer cans and a drawing of four tombstones, one inscribed with a line from a 1960s song by the Grateful Dead: “Riding that train, high on cocaine.”

“A lot of red tape and uncooperative administrators’

One of the students involved in the dispute complained of having to cope with “a lot of red tape and uncooperative administrators” in the period before the settlement.

After the ads were censored, the yearbook co-editor, the business manager and a staff member appealed the adviser’s decision to the school principal.

The principal upheld the adviser’s decision. The students then appealed to the school district associate superintendent and the deputy superintendent. Their final step before the lawsuit was the board of education.

After two months of meetings, debates and letters and just hours before a court hearing in the U.S. District Court for Maryland in which the students had requested a temporary restraining order, the school board voted to allow the ads to be published. The vote came March 1, only three days after the students had filed the lawsuit against the school board, the superintendent, the principal and the adviser.

Considering how many layers of appeals these students went through before any results were realized, one might well prefer to fill out tax forms.

At the federal level, exhaustion is not necessary where constitutional rights are concerned. Federal law states that in litigation brought under 42 U.S.C. 1983, the court can either hear the case at once or postpone action up to three months to require that all available remedies are exhausted before the case is heard in court. 42 U.S.C. 1983 is the statute which allows people who think their constitutional rights have been violated to sue in federal court. Such suits are referred to as “1983 actions,” and it is under this statute that the Hazlewood East students seek redress without exhausting school system appeals.

Process must be adequate and concise

To control administrators who enjoy creating tortuous appeal procedures, this same statute states that the court may decide on the appropriateness of the particular school’s exhaustion process, that is, whether it is adequate or too lengthy.

For example, if students decided to sue their administrators, a judge can decide against proceeding with the lawsuit for up to 90 days if he determines that it is possible for students and officials to reach a quick agreement, and that no one will suffer from the exhaustion process. During this time, the District Court cannot dismiss a case.

In the last 20 years, the exhaustion of remedies doctrine has become confused due to the number of exceptions to the exhaustion rule that the Supreme Court has found.

Until 1963, the courts normally required exhaustion. In Myers v. Bethlehem Corp., 303 U.S. 41, 50-51 (1938),
example, the court ruled that no one is entitled to judicial relief for a supposed or threatened injury until all established avenues for administrative remedy had been attempted. In *White v. Johnson*, 282 U.S. 367, 373-4 (1930), the court ruled that “plaintiffs must pursue an orderly process of administration and the court will not ignore the plaintiff’s failure to exhaust administrative remedies.”

A case where students at a racially segregated school requested equality and the right to register in an integrated school led the Supreme Court to rule that exhaustion is not always required. In *McNeeze v. Board of Education*, 373 U.S. 668 (1963), these students shunned the exhaustion of remedies process by not taking their complaint to the school superintendent. Here the court ruled that the school board lacked the authority to grant the students’ request, therefore the exhaustion procedure was inappropriate and unnecessary in the first place. Resort to administrative remedies is unnecessary, the court said, if the administrative body offers only tenuous protection.

In subsequent Supreme Court cases, the *McNeeze* decision was used as a precedent to find exceptions to the doctrine. In *Damico v. California*, 389 U.S. 416 (1967), a case which challenged the constitutionality of state welfare regulations, the court ruled that a federal district court had improperly dismissed a case because the litigants did not follow exhaustion procedures, and that “relief under the act may not be defeated because relief was not sought under state law which provided (an administrative) remedy.”

In *King v. Smith*, 392 U.S. 309, 312 (1968), the court said that a “plaintiff is not required to exhaust administrative remedies where the constitutional challenge is sufficiently substantial as here, to require the convening of a three-judge court.” Alleging violations of constitutional rights is alone not enough to prevent enforcement of the exhaustion doctrine, yet combined with proven inadequacy of administrative remedies, it can be enough to make the doctrine inapplicable.

Litigating the exhaustion question case by case based on the adequacy of the available remedies continued in the lower courts until the Supreme Court again addressed the issue in *Patsy v. Florida Board of Regents*, 102 S. Ct. 2557 (1982).

In *Patsy*, one of the most significant rulings on the subject to date, the court held that exhaustion of remedies could not be required as a prerequisite to Section 1983 actions in federal courts. The court inferred from Sections 1983 and 1997e - the latter added to complement Section 1983 - along with prior court decisions, that exhaustion is not necessary because of the “paramount duty Congress had given the courts to protect constitutional rights.” *Steffel v. Thompson*, 415 U.S. 452 (1974).

In *Patsy*, a secretary at Florida International University alleged that the university practiced sex and race
discrimination in a series of promotion denials. The lawsuit she filed in District Court went through a series of flip-flop rulings before finally reaching the Supreme Court. First it was dismissed by the three-judge District Court panel because she did not pursue all avenues of remedies that the board of regents said were available. Later, the Supreme Court held that exhaustion need not always be followed.

Exhaustion not always required

In determining whether administrative remedies should be used, the Supreme Court in *Patsy* said that a factor to be considered was whether the decision in question misconstrued the meaning of Section 1983, and the intent of Congress for that statute to have the paramount duty to protect constitutional rights.

The Supreme Court said that when the 1871 Congress developed the Civil Rights Act, from which Section 1983 originally came, it did not intend for an individual to be compelled in every case to exhaust state administrative remedies. The decision stated that exhaustion of state administrative remedies should not be required as a prerequisite to bring action under Section 1983.

Recently a Brunswick (Maine) High School senior filed a suit in U.S. District Court because school faculty members and administrators would not allow a quote about capital punishment to be included next to her picture in a special senior section of the school’s yearbook. (See story on page 7.)

The school’s lawyers argued that because Joellen recently a Brunswick (Maine) High School senior filed a suit in U.S. District Court because school faculty members and administrators would not allow a quote about capital punishment to be included next to her picture in a special senior section of the school’s yearbook. (See story on page 7.)

The school’s lawyers argued that because Joellen

"Students seeking equitable relief from allegedly unconstitutional actions by school officials (should) come into court with clean hands."

Stanton did not appeal the principal’s decision to censor the quote to the school board, she did not use the available remedies that were outlined in school policy, thus she acted prematurely by taking the matter to court. Stanton’s lawyers, however, argued that the *Patsy* decision “absolutely forecloses that argument.”

Because Stanton’s case involved the alleged violation of a constitutional right, and because the printing deadline for the yearbook could have passed before all avenues of relief were attempted, resort to court did not violate the exhaustion doctrine. Censorship due to delay might have resulted in an infringement of her constitutional rights.

“Second guessing’ federal judges

One might infer from recent court decisions that exhaustion is not always required. Yet persons bringing suits alleging First Amendment violations should attempt to exhaust all remedies outside court. Ma Abrams, executive director of the Student Press Law Center, said only when time pressures require fast
haustion continued

action should students consider resorting to court before all possibilities for relief have been attempted.

"It is simply not good strategy to second guess a federal judge," he said.

For example, in Sullivan v. Houston Independent School District, 475 F. 2d 1971 (5th Cir. 1973), the court ruled that students' neglect to seek administrative relief outweighed their claim to First Amendment protection. As an added slap on the wrist the court thereafter required "that the students seeking equitable relief from the allegedly unconstitutional actions by school officials come into court with clean hands."

Litigation is expensive, time-consuming, and frustrating. This being the case, following administrative appeal procedures seems the best course to take, provided that time permits. One may even discover in such a process that the dispute arose from simple misunderstandings. Once in court, rectifying such trivial misunderstandings is a great deal harder than within a school's appeal system.

Finally, contacting someone knowledgeable in student press rights, such as the Student Press Law Center or the ACLU, may prove helpful if further questions on how to vindicate one's constitutional rights remain unanswered.

Footnotes

7. Id.
8. Aircraft, Supra

Scholastic Press Freedom Award

The National Scholastic Press Association/Associated Collegiate Press and the Student Press Law Center will honor the student or student medium that best supports the First Amendment with the Scholastic Press Freedom Award.

Nominations for the award should be a responsible representation of press freedom through writing or actions and the ability to raise difficult and necessary issues in news coverage.

Nominations of any person, student newspaper, student magazine, yearbook or student radio or television station will be accepted. Nominees should clearly explain why the nominee deserves the Scholastic Press Freedom Award. The nomination should include samples supporting the nominee, such as clippings, tapes and reports of their efforts in other media.

The executive director of the Student Press Law Center will select the winner, and presentation of the award will be at the NSPA/JEA convention if the winner is a high school journalist, or at the ACP/CMA convention if the winner is a college journalist.

Nominations must be received by August 1 of each year to be considered for that year's award.

Send nominations to:
Scholastic Press Freedom Award
Student Press Law Center
800 18th Street, N.W.
Room 300
Washington, D.C. 20006
Scholastic Journalism Standards
More Important Now Than Ever

With the recent decision in the Hazelwood v. Kuhlmeier case seemingly giving administrators almost unlimited powers of censorship, it is more important than ever before that high school journalists know and practice professional standards of journalism.

The Journalism Education Association has taken, and reiterates, the position that First Amendment protections for students writing for school publications “do not stop at the schoolhouse gate.”

We further believe that a high school journalism program, under the guidance and support of a qualified and trained advisor, should provide for open communication on topics of importance and interest for the student community.

We would still argue, as did Supreme Court justice John Marshall, that any ruling by the Supreme Court that denies the forum function “is repugnant to the Constitution.”

We would further agree with Justice William Brennan that “public educators must accommodate some student expression even if it offends them or offers views or values that contradict those the school wishes to inculcate.”

Such a ruling, as presented in Kuhlmeier, flies in the face of current educational studies, including The Nation at Risk, The Carnegie Report and JEA’s Report of Scholastic Journalism in the Nation’s Schools that schools should provide opportunities and educational experiences to help students be good citizens of the community. Journalism reinforces and provides practical application for those skills learned in social studies, business and language arts classes. One of those skills is critical thinking.

In short, through the development of a sound and workable statement of editorial policy, we would hope school administrators who believe in the process of learning and in the principles outlined above will accept the merits of free student expression and therefore endorse lively and professionally oriented student publications.

We still believe the Model Guidelines for Student Expression, as developed and recently updated by the Student Press Law Center, best serve to lay the framework for a sound and professional orientation to scholastic journalism.

We present them here, along with those of several other school districts (Dade County, FL, Lewis­ton, ID, and Westlake, Austin, TX as models from which can be drawn successful editorial policies.

With the Kuhlmeier decision now comes the additional responsibility of proving to students, faculty, administrators and the general community that scholastic journalism does not deserve the application of “thought police” restrictions referred to by Justice Brennan in his stinging minority opinion in the Kuhlmeier case.

We would still argue that editorial policies, with professionally oriented instruction and advising, are the keys to a valid and meaningful experience in journalism.
After Hazelwood v. Kuhlmeier Decision

Journalism Education Association Restates Its Press Rights Position

I.

The Journalism Education Association upholds the right of students to exercise their freedom of expression as guaranteed by the First Amendment to the Constitution of the United States, whether it be in the form of print or broadcast media.

Student journalists have the right to report on and editorialize about all topics, events or issues, including those unpopular or controversial, insofar as they affect or interest the school, community, nation and world. However, students have the same legal obligations as those imposed upon all journalists. Students must refrain from publishing or disseminating material that:

- a. is obscene, according to current legal definitions;
- b. is libelous, according to current legal definitions;
- c. creates a clear and present danger of the immediate material and substantial physical disruption of the school;
- d. is an invasion of privacy, according to current legal standards; and
- e. advertises illegal products or services, as currently defined by legal definitions.

Student media shall not be subjected to prior restraints, review or censorship by faculty advisers, school administrators, faculty, school boards or any other individual outside the student editorial board, except as stated above, and only when these individuals can demonstrate legally defined justification. In addition, student journalists have the right to determine the content of their media.

II.

Responsible exercise of freedom of expression involves adherence to the highest standards of journalism. Students also have an obligation to learn and observe the legal and ethical responsibilities expected of them as practicing journalists.

JEA expects each school system having student media to provide a qualified journalism instructor/adviser to teach students to report information accurately, fairly and perceptively.

III.

Student media help educate students by providing an open forum of expression for journalists and the media's audiences, and as instruments through which students, faculty, administration and the public can gain insight into student thinking and concerns.

To make this forum and educational experience possible, the journalism program needs to be supported by an appropriate assortment of finances, equipment and educational philosophy.

IV.

JEA recognizes that all students, regardless of race or socio-economic level, should have equal opportunity to participate in journalism programs and that there is a need to identify and remove inequities which exist in these programs.
For 14 years, the Student Press Law Center has been providing legal information, advice and assistance to student journalists, their advisers and school officials. In 1987 alone, the SPLC will have responded to more than 600 legal requests.

Of all the information the SPLC provides, the Model Guidelines for Student Publications continue to be among the most requested. First published in the Winter 1978-79 SPLC Report, high schools across the country have adopted the guidelines as is or have used them as a basis for creating their own policy.

During the summer and fall of 1987, the SPLC board of directors decided to update the guidelines in accordance with court decisions handed down in recent years with the input of attorneys, college professors and high school and college journalism advisers.

Every student publication should consider adopting a set of understandable, specific and inclusive publication guidelines to aid students in deciding what material to publish. Ideally, the guidelines should also be approved by the school administration.

If properly drafted, a publications policy can go a long way in preventing unnecessary confrontations between students and school officials.

However, poorly written guidelines which ignore the law are bad news for students and schools. They can create an invitation for school officials to censor and, as a result, an invitation for students to sue for infringement of First Amendment rights.

Everybody loses when a bad publications policy exists. Adopting guidelines should always be approached with great care.

We hope the “new and improved” Model Guidelines, which are similar to the old version, will help you and your school create and support a positive educational environment which recognizes the First Amendment rights of the students.

Let the Student Press Law Center know if you adopt them for your student publications.

This set of guidelines can give staffs a headstart in formulating a basis for press rights

SPLC Provides Sample Policy

Preamble: The following guidelines are based on state and federal court decisions that have determined the First Amendment rights of students. These guidelines do not provide a legal basis for school officials or employees to exercise prior restraint or prior review of student publications. Additional safeguards, including specific examples of prohibited expression, a timely and impartial appeals process, and distribution of the guidelines to all students, would be required for any valid pre-publication distribution action.

The Student Press Law Center cautions that court rulings indicate that policies which provide for prior review and restraint and meet constitutional requirements of precision, narrow scope, and protection of speech are almost impossible to develop. In addition, schools that adopt a prior review and/or restraint policy assume legal liability for the content of the publications, whether it be school-sponsored or non-school-sponsored. Court decisions indicate that a school likely will be protected from liability if by practice or written policy it rejects prior review and prior restraints.

FIRST

AMENDMENT

FOREMOST

I. STATEMENT OF POLICY

It is undeniable that students are protected in their exercise of freedom of expression by the First Amendment to the Constitution of the United States. Accordingly, school officials are responsible for ensuring freedom of expression for all students.

It is the policy of the _______ Board of Education that (newspaper) ______, (yearbook) ______, and (literary magazine), the official, school-sponsored publications of _______ High School have been established as forums for student expression and as voices in the uninhabited, robust, free and open discussion of issues. Each publication should provide a full opportunity for students to inquire, question, and exchange ideas. Content should reflect all areas of student interest, including topics about which there may be dissent or controversy.
It is the policy of the Board of Education that student journalists shall have the right to determine the content of official student publications. Accordingly, the following guidelines relate only to establishing grounds for disciplinary actions subsequent to publication.

II. OFFICIAL STUDENT PUBLICATIONS

A. Responsibilities of Student Journalists

Students who work on official student publications determine the content of those publications and are responsible for that content. These students should:

1. Determine the content of the student publication;
2. Strive to produce a publication based upon professional standards of accuracy, objectivity and fair play;
3. Review material to improve sentence structure, grammar, spelling and punctuation;
4. Check and verify all facts and verify the accuracy of all quotations;
5. In the case of editorials or letters to the editor concerning controversial issues, determine the need for rebuttal comments and opinions and provide space therefore if appropriate.

B. Prohibited Material

1. Students cannot publish or distribute material that is “obscene as to minors.” “Minor” means any person under the age of 18. Obscene as to minors is defined as material that meets all three of the following requirements:
   (a) the average person, applying contemporary community standards, would find that the publication, taken as a whole, appeals to a minor’s prurient interest in sex; and
   (b) the publication depicts or describes, in a patently offensive way, sexual conduct such as ultimate sexual acts (normal or perverted), masturbation, and lewd exhibition of the genitals; and
   (c) the work, taken as a whole, lacks serious literary, artistic, political, or scientific value;
   (d) Indecent or vulgar language is not obscene.

2. Students cannot publish or distribute libelous material. Libelous statements are provable false and unprivileged statements that do demonstrate injury to an individual’s or business’s reputation in the community. If the allegedly libeled party is a “public figure” or “public official” as defined below, then school officials must show that the false statement was published “with actual malice,” i.e., that the student journalists knew that the statement was false, or that they published it with reckless disregard for the truth—without trying to verify the truthfulness of the statement.

3. Students cannot publish or distribute material that will cause “a material and substantial disruption of school activities.”
   (a) Disruption is defined as student rioting; or substantial seizures of property; or substantial student participation in a school boycott, sit-in, walkout, or other related form of activity. Materials such as racial, religious or ethnic slurs, however distasteful, are not in and of themselves disruptive under these guidelines. Threats of violence are not materially disruptive without some act in furtherance of that threat or a reasonable belief and expectation that the author of the threat has the capability and intent of carrying through on that threat in a fashion not permitting acts other than suppression of speech to mitigate the threat in a timely manner. Material that stimulates heated discussion or debate does not constitute the type of disruption prohibited.
   (b) For a student publication to be considered disruptive, specific facts must exist upon which one could reasonably forecast that a likelihood of immediate, substantial material disruption to normal school activity would occur if the material were distributed or had occurred as a result of the material’s distribution. Where undifferentiated fear or apprehension of disturbance is not enough; school administrators must be able to show substantial facts that reasonably support a forecast of likely disruption.
   (c) In determining whether a student publication is disruptive, consideration must be given to the context of the distribution as well as the content of the material. In this regard, consideration should be given to past experience in the school with similar material, past experience in the school in dealing with and supervising the students in the school, current events influencing student attitudes and behavior, and whether there have been any instances of actual or threatened disruption prior to or contemporaneously with the dissemination of the student publication in question.
   (d) School officials
must protect advocates of unpopular viewpoints.

(c) "School activity" means educational student activity sponsored by the school and includes, by way of example and not by way of limitation, classroom work, library activities, physical education, official assemblies and other similar gatherings, school athletic contests, band concerts, school plays, and scheduled in-school lunch periods.

C. Legal Advice

1. If, in the opinion of student editor, student editorial staff or faculty adviser, material proposed for publication may be "obscene," "libelous," or cause an "immediate, material and substantial disruption of school activities," the legal opinion of a practicing attorney should be sought. The services of the attorney for the local newspaper or the Student Press Law Center (202-466-5242) are recommended.

2. Legal fees charged in connection with the consultation will be paid by the board of education.

3. The final decision of whether the material is to be published will be left to the student editor or student editorial staff.

III. NONSCHOOL-SPONSORED PUBLICATIONS

School officials may not ban the distribution of non-school sponsored publications on school grounds. However, students who violate any rule listed under II.B. may be disciplined after distribution.

1. School officials may regulate the time, place, and manner of distribution.

(a) Nonschool-sponsored publications will have the same rights of distribution as official school publications;

(b) "Distribution" means dissemination of a publication to students at a time and place of normal school activity, or immediately prior or subsequent thereto, by means of handing out free copies, selling or offering copies for sale, accepting donations for copies of the publication, or displaying the student publication in areas of the school which are generally frequented by students.

2. School officials cannot:

(a) Prohibit the distribution of anonymous literature or require that literature bear the name of the sponsoring organization or author;

(b) Ban the distribution of literature because it contains advertising;

(c) Ban the sale of literature;

(d) Create regulations that discriminate against nonschool sponsored publications or interfere with the effective distribution of sponsored or non-sponsored publications.

IV. PROTECTED SPEECH

School officials cannot:

1. Ban speech solely because it is controversial, takes extreme, "fringe," or minority opinions, or is distasteful, unpopular, or unpleasant.

2. Ban the publication or distribution of material relating to sexual issues including, but not limited to, virginity, birth control, and sexually-transmitted diseases (including AIDS).

3. Censor or punish the occasional use of indecent, vulgar or so called "four-letter" words in student publications;

4. Prohibit criticism of the policies, practices or performance of teachers, school officials, the school itself, or of any public officials;

5. Cut off funds to official student publications because of disagreement over editorial policy;

6. Ban speech that merely advocates illegal conduct without proving that such speech is directed toward and will actually cause imminent unlawful action.

7. Ban the publication or distribution of material written by nonstudents;

8. Prohibit the school newspaper from accepting advertising;

9. Prohibit the endorsement of candidates for student office or for public office at any level.

V. COMMERCIAL SPEECH

Advertising is constitutionally protected expression. School publications may accept advertising. Acceptance or rejection of advertising is within the purview of the publication staff, who may accept any ads except for those for a product or service that are illegal for students. Political ads may be accepted. The publication should not accept ads only on one side of an issue or election.

VI. ADVISER JOB SECURITY

No teacher who advises a student publication will be fired, transferred or removed from the advisoryship by reason of their refusal to exercise editorial control over the student publication or to otherwise suppress the protected free expression of student journalists. The adviser is not a censor.

VII. PRIOR RESTRAINT

No student publication, whether nonschool-sponsored or official, will be reviewed by school administrators prior to distribution or withheld from distribution. The school assumes no liability for the content of any student publication, and urges all student journalists to recognize that with editorial control comes responsibility, including the responsibility to follow professional journalism standards.

VIII. CIRCULATION

These guidelines will be included in the handbook on student rights and responsibilities and circulated to all students.

Student Press Law Center
800 18th St., NW
Suite 300
Washington, DC 20006
| **WHAT THEY SAY** |

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**Dade County, Florida Policies**

Current Law and Practices

It is undeniable that students are protected in their exercise of freedom of expression by the First Amendment to the Constitution of the United States: “Congress shall make no law... abridging the freedom of speech or of the press.” There are three classifications of speech which are prohibited by law or not protected by the First Amendment. Following publication, those types of materials may be subject to legal and/or official school action.

1. The first classification is material which is “obscene as to minors.”
2. The second classification is libel, material which is defined as a false and unprivileged statement about a specific individual which injures the individual’s reputation in the community.
3. The third classification is material which will cause “a material and substantial disruption of school activities.” (See addendum for legal definitions of “obscene as to minors,” libel, and “a material and substantial disruption of school activities.”)

The Supreme Court ruled in *Tinker v. Des Moines Independent School District* that:

The First Amendment guarantees to every student the right to possess, post, and distribute any form of literature that is not “materially and substantially” disruptive to the process of education in the school setting. This includes, but is not limited to, newspapers, magazines, leaflets, and pamphlets.

Having applied the First Amendment to the states (and, thus, public schools), courts have struggled to balance students’ rights with the duties and responsibilities of administrators. This is exemplified by one judge’s observation.

Free expression is itself a vital part of the education process. But in measuring the appropriateness and reasonableness of school regulations against the constitutional protections of the First and Fourteenth Amendments the courts must give full credence to the role and purposes of the school and of the tools with which it is expected that they deal with their problems and careful recognition to the differences between what are reasonable restraints in the classroom and what are reasonable restraints on the street corner.

Procedures

**A. School Sponsored Publications**

1. Students who work on official school publications shall:
   a. Rewrite material, as required by the faculty advisers, to improve sentence structure, grammar, spelling, and punctuation.
   b. Check and verify the accuracy of all facts and quotations.
   c. Provide space in the same issue of the newspaper, when feasible, for rebuttal comments and opinions in case of news articles, editorials, or letters to the editor concerning controversial issues.
   d. Determine the content of the student publication.
   e. Consult with legal resources, local and national, in any case in which the legality of content is questioned.

2. Advisers to official school publications shall:
   a. Serve primarily as teachers whose chief responsibility is to guide students to an understanding of the nature, the functions, and the ethics of a free press and of student publications; advisers will not act as censors.
   b. Encourage the staff toward editing an intelligent publication that presents a complete and unbiased report and that reflects accurate reporting and editorial opinion based on verified facts.
   c. Function as a liaison between school officials and students to ensure full communication of administrative guidelines to student editors as well as to communicate to administrators the First Amendment rights of students to print without censorship or prior restraint and to communicate to school officials the duty of the institution to allow full and vigorous freedom of expression.
   d. Insure that guidelines for the staffing and operation of scholastic publications are developed in concert with the current publications staff and furnished to administrators.

3. School administrators shall:
   a. Communicate to the adviser and student editors any guidelines which may affect student publications.
   b. Be aware of the most current court rulings as they relate to free expression.
   c. Support the First Amendment rights of students and the efforts of publications advisers to guarantee those rights in their daily work with publications, communicate to other members of the school community the rights of student journalists to question, inquire, and express themselves through student publications.
   d. I have an editor, adviser, and principal in disagreement over legality of content consult with the Board attorney and/or other legal resources.
   e. Final decision over content should be solely based on its legality.
   f. Not fire, transfer, or remove a person from his or her advisement for failure to exercise editorial control over the student publication or to otherwise suppress the rights of free expression of student journalists.

4. Non-School Sponsored Literature

1. Publishing
   a. Students should have the right to publish on their own, to possess, and to distribute on school grounds non-school sponsored printed matter when it is consistent with distribution policies of the school and the content is such that it will not create disruption in the conduct of school activities.
   b. Students publishing non-school sponsored material may not use the school’s name when soliciting advertisers. Those who do will be subject to the disciplinary action of the school.
   c. Students who publish such literature should be made aware of the legal responsibilities for libelous or obscene material.

2. Distribution

Each school shall establish reasonable regulations regarding the time, place, and manner of distribution of all student publications.

a. School regulations should prohibit the distribution of student publications and other literature by or to students engaged in, or supposed to be engaged in, normal classroom activities.

b. Distribution should be conducted in a manner which does not interfere with the normal flow of traffic within the school and at exterior doors.

c. Distribution should be conducted in a manner so as to prevent undue levels of noise which interfere with normal classroom activities.

C. Bulletin Boards

a. Ample bulletin boards space should be provided for the use of students and student organizations, including an area for notices relating to out-of-school activities or matters of general interest to students.

b. Regulations should require that notices or other communications be dated before posting and that such materials be removed after a prescribed reasonable time to assure full access to bulletin boards.

c. School authorities may restrict the use of certain bulletin boards to official school announcements.

Note the addendum that follows these procedures. The text has been excerpted from an article in the *Student Press Law Center Report*, Winter 1978-79 edition, entitled “SLPC Guidelines,” by Michael Simpson, Director, Student Press Law Center, and is based on case law. The center, which is in Washington, D.C., is privately funded. It is noteworthy that this is the only student press center in the world. Its function is to provide information, services, and legal advice to persons involved in scholastic journalism. The article cited was written because the Supreme Court has never said what it will accept, only what it will not accept.
Lewiston, Idaho Policies

Because it adheres to the basic principle of student rights and press freedoms, members of The Bengal’s Purr and its advisor follow the position of the Journalism Education Association guidelines which are:

I. The Journalism Education Association upholds the rights of students to exercise freedom of expression as guaranteed by the First Amendment to the Constitution of the United States. Student journalists have the right to report on and editorialize about controversial and crucial events in the school, community, nation and world. However, they must observe the same legal responsibilities as those imposed upon all news media. Thus, student journalists must refrain from publication of material which:
   (a) is obscene, according to legal definitions;
   (b) is libelous, according to legal definitions;
   (c) creates a clear and present danger of the immediate material and substantial physical disruption of the school.

II. Responsible exercise of freedom of expression involves adherence to the highest journalistic standards. JEA expects the school to provide a qualified journalism teacher who should teach students to report information with accuracy, insight and fairness, consistent with First Amendment freedoms.

III. The media shall serve as educational tools, as means of expression for students and the public, and as instruments through which students, faculty, administration and the public can gain insight into student thinking and concerns.

IV. JEA recognizes that all students, regardless of race or socio-economic level, should have equal opportunity to participate in journalism programs, that there is a need to identify and remove inequities where they exist in student media programs.

Letters

Through its letters to the editor, The Bengal’s Purr presents an open forum for students, faculty, administration and community. Letter writers need to abide by the letters general policy which is that editors may edit letters to avoid libelous materials or confirm to space limitations. All letters must be signed and submitted to an editor or the paper’s adviser one week prior to any publication date. Submission of material is no guarantee of publication.

Selection of Editors

Editors serve on a yearly basis appointed by the newspaper’s adviser. Applications are submitted each spring for positions for the following school year. Term of service for editorial appointments begin in the fall of each school year. Appointments, changes or dismissals of editorial personnel are made by the newspaper’s adviser.

Grading

Journalism is divided into two general categories: The academic and the lab. The academic encompasses the fundamentals of journalism while the lab is concerned with putting those theories into practical usage in production of The Bengal’s Purr.

The following is a general basis on which you are graded.

Quantity: amount of material completed; time spent; extra work (assigned and not assigned)

Quality: raw copy; tests; variety of writing, photos, ads, typesetting, etc.

Dependability: attitudes; willingness to help; deadlines; self direction; attendance; cleanliness; concern for job

Competition

Members of The Bengal’s Purr are encouraged to participate in state, regional and/or national journalistic competition and critiques which promote growth of students talents and reinforce classroom teaching.

Westlake H.S., Austin, Texas Yearbook Policies

CONTENT POLICY

By virtue of the fact that the yearbook is a student conceived, planned and produced publication, as well as a product of an academic elective program, there are certain guidelines which must be put into practice ethically and legally.

Journalistic in nature, the yearbook attempts to inform and entertain its audience in a broad, fair and accurate manner in all subjects that affect readers in the areas of student life, academics, clubs and sports. The entire student body of 1560 prospective readers constitutes the target audience for the book with secondary audiences including school personnel, community members and other scholastic journalism groups. Content focuses on coverage which will meet the wants and needs of the majority of these students.

While the staff not only allows, but also encourages constructive criticism of any part of the book, before or after publication, final authority for content of the volume rests solely in the hands of yearbook journalism students. The adopted, authoritative policy governing the yearbook will be the complete model SPLC policy.

No material, opinionated or otherwise, will be printed which is libelous, irresponsible, advocates an illegal activity or which the editorial board and/or the adviser deems in poor taste.

PHOTO POLICY

All students and school personnel must have their portraits made with the official school portrait photographer to be included in the current volume of the yearbook.

Since the school-selected studio provides student identification photos at no charge and yearbook photos are taken simultaneously, there will be no charge for seniors, underclass students or faculty/staff who want only yearbook/ID photos.

Seniors may choose to pay a $5 fee for a full portrait sitting to cover the costs of proofs. That fee will be credited to an order, if placed, or can be refunded upon return of all proofs.

All students and faculty/staff will be afforded at least three opportunities to have their portraits taken or retaken if the need presents itself.

By having all portraits taken by the same photographer under the same conditions, the yearbook staff can be assured of the highest quality reproduction of all photographs serving the best interests of all students.

OBITUARY POLICY

Should a student and/or school personnel die anytime during the current coverage period, the staff will treat the
FIRST AMENDMENT FOREMOST

death in a tasteful, respectful manner.

The portrait of that individual will appear as it would under normal circumstances, but the name of the person and dates of birth and death will be set off in a 10% black screen. This uncommanding treatment will provide adequate memory of the individual for those closely associated while not overemphasizing it for other readers.

ADVERTISING POLICY

All advertising accepted by the staff must meet the same guidelines as editorial content. Acceptance of advertising does not constitute an endorsement by the school, the staff as a whole or its individual members.

Students, who appear in advertising, must sign a model release form acknowledging that they will accept no monetary remuneration from the client and their appearance is one of support for the yearbook rather than the business or professional.

Advertising program and rates specifically detailed in the portfolio and contract for businesses and professionals. Club space guidelines have been outlined in the "Who Says We Can't Change Our Minds?" contract.

SALES POLICY

Satisfaction guaranteed or money back. Any student who does not wish to keep his/her book may obtain a refund provided that the book is returned in the same condition in which it was distributed. Returned for refund books must be free of damage and writing. Once returned, the book becomes the property of the staff and can be resold at the current cost.

Exchanges can be made for books with minor flaws if no writing has been done in the book. If a book has been written in, then no exchange can be made unless the adviser feels the flaw in the book is of major proportion (pages missing, pages in upside down).

It will be the responsibility of the buyer to provide proof of purchase if no record can be provided by the staff. A valid receipt or a cancelled check deposited in account # 41-001 will constitute proof of purchase.

Conceived and compiled by John Bowen of Lakewood H.S., Lakewood, Ohio, JEA Scholastic Press Rights Commission Chairman. Designed and produced by John Cutsinger, Development/Curriculum Chairman, and his student Dane Reese of Westlake H.S. Publications.
On the back of their semester tests, Journalism I students were asked to write a three paragraph reaction to the recent Hazelwood student press ruling by the Supreme Court. Below are comments made by the sophomore students:

"A (high school) paper or yearbook should be free to tell the whole truth - whether it is good or bad." - Sheralyn Langley, 10

"Where will they stop? If this (the Supreme Court ruling 5-3 against the high school press) isn’t the issue to get the guillotine in motion, then a greater one will come later. In our eyes we have already gotten the axe. What will come next?" - David Spangler, 11

"I agree that a newspaper shouldn’t go out to hurt a person, but a story on teen pregnancy is reality and everybody should be able to face it and talk about it." - Mindy Pursley, 10

"If you talk about only the good things and not the bad, how will students be able to cope and realize that others feel like they do?" - Amy Terry, 10

"This ruling is like being grounded for something you didn’t do." - Missy Clark, 10

"From first grade until our freshman year, I remember being taught our freedoms we were guaranteed in the Constitution. In my sophomore year in high school, however, I’ll remember they took our freedoms away." - Erik Germand, 10

"I feel my rights as a teenager have been revoked." - Jamie Milazzo, 12

"Guidance is okay, but censorship is an outrage." - Laura Peirce, 12

"What if a student dies of taking drugs, and the principal won’t let the newspaper print the story - that principal may be taking the lives of many students who are also using drugs. People learn from stories - especially good ones." - Brian Green, 10

"If our hands are to be tied, then our minds will be also. We cannot think, or try to think like adults, until we are given the rights of adults. If they are trying to tempt our poor, young minds into conformity, then they are taking the appropriate steps." - David Spangler, 11

"Everyone should have the same rights - no matter how old they are." - Amy Terry, 10
New
&
Improved

For 14 years now, the Student Press Law Center has been providing legal information, advice and assistance to student journalists, their advisers and school officials. In 1987 alone, we will have responded to legal requests from over 600 of you.

Of all the information the SPLC provides, our Model Guidelines for Student Publications continue to be among the most requested. First published in the Winter 1978-79 Report, our guidelines have been adopted by high schools across the country as is or have been used as a basis for creating a new policy.

During the summer and fall of 1987, we decided that the time had come to update our guidelines in accordance with court decisions that have been handed down in recent years. With the input of many attorneys, college professors and high school journalism advisers, we have done just that. Our special thanks go to Dr. Tom Eveslage, chairman of the Department of Journalism at Temple University, and Marc Abrams, an attorney with the Philadelphia law firm of Schnader, Harrison, Segal & Lewis, for their coordination of the effort.

We hope that the "new and improved" Model Guidelines, which are very similar to the old version, will help you and your school create and support a positive rational environment that recognizes the First Amendment rights of the student press. Let us know if you adopt them for your student publications.

SPLC Model Guidelines for Student Publications

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continued on page 36
I. STATEMENT OF POLICY

It is undeniable that students are protected in their exercise of freedom of speech by the First Amendment to the Constitution of the United States. Accordingly, school officials are responsible for ensuring freedom of expression for all students.

It is the policy of the Board of Education that (newspaper, yearbook and literary magazine) the official school-sponsored publications of High School have been established as forums for student expression and as voices in the uninhibited, robust, free and open discussion of issues. Each publication should provide a full opportunity for students to inquire, question and exchange ideas. Content should reflect all areas of student interest, including topics about which there may be dissent or controversy.

It is the policy of the Board of Education that student journalists shall have the right to determine the content of official student publications. Accordingly, the following guidelines relate only to establishing grounds for disciplinary actions subsequent to publication.

II. OFFICIAL SCHOOL PUBLICATIONS

A. Responsibilities of Student Journalists

Students who work on official student publications determine the content of those publications and are responsible for that content. These students should:

1. Determine the content of the student publication.
2. Strive to produce a publication based upon professional standards of accuracy, objectivity and fair play.
3. Review material to improve sentence structure, grammar, spelling and punctuation.
4. Check and verify all facts and verify the accuracy of all quotations.
5. In the case of editorials or letters to the editor concerning controversial issues, determine the need for rebuttal comments and opinions and provide space therefore if appropriate.

B. Prohibited Material

1. Students cannot publish or distribute material that is “obscene as to minors.” “Obscene” means any person under the age of 18. Obscene as to minors is defined as material that meets all three of the following requirements:
   (a) the average person, applying contemporary community standards, would find that the publication, taken as a whole, appeals to a minor’s prurient interest in sex, and
   (b) the publication depicts or describes, in a patently offensive way, sexual conduct such as lewd sexual acts (normal or perverted), masturbation and lascivious exhibition of the genitals; and
   (c) the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

2. Students cannot publish or distribute libelous material. Libelous statements are provably false and unprivileged statements that do demonstrative injury to an individual’s or business’s reputation in the community. If the allegedly defamed party is a “public figure” or “public official” as defined below, then school officials must show that the false statement was published “with actual malice,” i.e., that the student journalist knew that the statement was false or that they published it with reckless disregard for the truth — without trying to verify the truthfulness of the statement.

(a) A public official is a person who holds an elected or appointed public office.
(b) A public figure either seeks the public's attention or is well-known because of personal achievements.
(c) School employees are public officials or public figures in articles concerning their school-related activities.

(d) When an allegedly libelous statement concerns a private individual, school officials must show that the false statement was published 
   (i) willfully or negligently, i.e., the student journalist who wrote or published the statement has failed to exercise reasonable prudent care.

(e) Under the “fair comment rule,” a student is free to express an opinion on a matter of public interest. Specifically, a student may criticize a school policy or the performance of teachers, administrators, school officials and other school employees.

3. Students cannot publish or distribute material that will cause “a material and substantial disruption of school activities.”

(a) Disruption is defined as student rioting; unlawful seizure of property; destruction of property; or substantial student participation in a school boycott, sit-in, walk-out or other related form of activity. Material such as racial, religious or ethnic slurs, however distasteful, are not in and of themselves disruptive under these guidelines. Threats of violence are not materially disruptive without some act in furtherance of that threat. A reasonable belief and expectation that the author of the threat has the capability and intent of carrying through on that threat in a fashion not permitting acts other than suppression of speech to mitigate the threat in a timely manner. Material that simulates heated discussion or debate does not constitute the type of disruption prohibited.

(b) For a student publication to be considered disruptive, specific facts must exist upon which one could reasonably forecast that a likelihood of immediate, substantial material disruption of normal school activity would occur if the material were further distributed or has occurred as a result of the material's distribution. Merely undefined or vague apprehension of disturbance is not enough; school administrators must be able affirmatively to show substantial facts that reasonably support a forecast of likely disruption.

(c) In determining whether a student publication is disruptive, consideration must be given to the context of this distribution as well as the content of the material. In this regard, consideration should be given to past experience in the school with similar
IV. PROTECTED SPEECH

School officials cannot:
1. Ban speech solely because it is controversial, takes extreme, “fringe” or minority opinions, or is distasteful, unpopular or unpleasant;
2. Ban the publication or distribution of material relating to sexual issues including, but not limited to, virginity, birth control and sexually-transmitted diseases (including AIDS);
3. Censor or punish the occasional use of indecent, vulgar or so-called “four-letter” words in student publications;
4. Prohibit criticism of the policies, practices or performance of teachers, school officials, the school itself or of any public officials;
5. Cut off funds to official student publications because of disagreement over editorial policy;
6. Ban speech that merely advocates illegal conduct without proving that such speech is directed toward and will actually cause imminent unlawful action;
7. Ban the publication or distribution of material written by nonstudents;
8. Prohibit the school newspaper from accepting advertising;
or
9. Prohibit the endorsement of candidates for student office or for public office at any level.

V. COMMERCIAL SPEECH

Advertising is constitutionally protected expression. School publications may accept advertising. Acceptance or rejection of advertising is within the purview of the publication staff, who may accept any ads except for those for products or services that are illegal for all students. Political ads may be accepted. The publication should not accept ads only on one side of an issue of election.

VI. ADVISER JOB SECURITY

The adviser is not a censor. No teacher who advises a student publication will be fired, transferred or removed from the advisernship by reason of his or her refusal to exercise editorial control over the student publication or to otherwise suppress the protected free expression of student journalists.

VII. PRIOR RESTRAINT

No student publication, whether nonschool-sponsored or official, will be reviewed by school administrators prior to distribution or withheld from distribution. The school assumes no liability for the content of any student publication, and urges all student journalists to recognize that with editorial control comes responsibility, including the responsibility to follow professional journalism standards.

VIII. CIRCULATION

These guidelines will be included in the handbook on student rights and responsibilities and circulated to all students.
A book worth reading.

Law of the Student Press, a four-year project of the Student Press Law Center, is the first book ever to offer an examination of legal issues confronting American's student journalists, advisers and education administrators on both the high school and college levels.

The book is understandable and readable without giving up the essential material needed for an in-depth understanding of the legal relationships involved in the production of student newspapers, yearbooks and electronic media. Topics covered include libel, obscenity, copyright, prior review, censorship, and model publications guidelines.

Law of the Student Press is available now! Copies are only $5 each. To order, send a check for that amount, payable to "Quill and Scroll," to:

Law of the Student Press
Quill and Scroll
School of Journalism and Mass Communication
University of Iowa
Iowa City, IA 52242

The Report Staff
The SPLC Report was produced entirely by a team of student interns working out of offices in Washington, DC.

Judy Zappone is a junior at Colby College, majoring in government with a concentration in creative writing.

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Until then, she's busy for graduate studies in English and in international journalism.

Elizabeth M. Kaczorowski is a third-year law student at the University of California, Davis, and sometime writer for the Commentary. She's going to write, practice law, and change the world.

FRIENDS OF SPLC

SPLC gratefully acknowledges the generous support of the following institutions and people, without whom there might not be an SPLC, and without whose support defending the First Amendment rights of the student press would be a far more difficult task.

(Contributions from August 1 to November 30)

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Society of Collegiate Journalists Southern Inter-Scholastic Press Association

Washington Journalism Education Association

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Robert Trager (CO)

Wichita State University, Winter Park High School (FL)

Marilyn Weaver (IN)
Student Publications

The Tracks of the Warriors Newspaper at Woodside Middle School and the Spartana Newspaper and Retrospect Yearbook at Homestead High School have been established as school sponsored publications for student expression. The purpose of these publications is to provide meaningful learning opportunities in the area of journalism through responsible reporting, and to educate, enlighten, and entertain readers of the community and the school. Material which is libelous, vulgar, or obscene according to popular legal definitions, shall not be printed.

It shall be the responsibility of student journalists to cover all aspects of a topic accurately and to treat sources fairly and with respect. Each publication's staff shall develop and publicize an editorial policy, which shall establish procedures for the expression of opposing views, correcting errors, and handling complaints with regard to content.
Censorship or Responsibility?

The Constitution Has No Age Limit

The student press freedom case decided this week by the U.S. Supreme Court has stirred predictable reactions. The liberals and journalism teachers hate it and the conservatives and school administrators say they have few problems with it. But no one can be truly happy if they know anything about the free press and the First Amendment.

The liberal vs. conservative tenor of the case was established right off the bat, given the philosophical bent of the justices. The "lib" (William Brennan, Thurgood Marshall and Harry Blackmun) fell neatly into place in their dissent, saying the decision represented "thought control" and "contempt for individual rights." The conservative and swing justices seemed to say it was less of a censorship case than one involving the rights of school administrators. They also came down hard on the position that a school newspaper is a learning tool and not "real journalism."

Briefly, the case involved a Hazelwood, Mo., high school principal who refused to allow publication of two articles in the student newspaper. One of the articles involved some unidentified students who had become pregnant and were reacting to their problem and how they got into such a state. They agreed to discuss their sexual lives as long as their names were not used. The principal, however, realizing that since there were only eight or 10 pregnant girls at the school, reasoned they might be identified.

The second article, which dealt with students' reactions to living with divorced parents, also was killed by the principal. He said he felt it was one-sided, giving only the students' viewpoint and not that of the parents. Which sounds strange, if you think about it, since a student newspaper, and not a "parent" newspaper, was at issue.

Nevertheless, the court ruled the principal had a right to censor both articles. The majority said school administrators cannot be "pillars of the community" and not "parent," since they represent the parents. Therefore, the school need not tolerate student speech that is inconsistent with its educational mission.

But every controversial thought that dares enter the minds of the nation's student journalists. I don't see it as the threat that he does and would argue, instead, that most administrators are at least capable of understanding their role of allowing responsible journalism within a school.

I was much more comfortable with the attitude expressed in The Star's article by Southside High School teacher Barbara Rains. Although she rightly agreed with Ingelhart about the dangers and the unacceptable nature of outright censorship, she went on to say something I found mighty important about how a journalism teacher should react with her students:

"I want to prepare them for the professional world because, really, school is the play journalism world." She also said that part of her job was teaching students that responsibility goes hand-in-hand with freedom of expression.

To me, that is what is being lost in this issue. Let's face it, folks: the high school press, while it might be a fairly decent training ground for future journalists, is still playland. And that is why I cannot argue with the majority of the Supreme Court justices who were saying that a school newspaper is much more of a training ground than a public forum to allow kids to express whatever views, however extreme, that they want to express. If you buy the training ground argument, you can also be fairly comfortable with the idea.

My heart took a nosedive.

"Repeat that," I commanded a nervous Ball State Daily News reporter who had awaited outside my night class door Wednesday evening and who was in a hurry to grab a quote and meet a deadline.

"I'd like to know your response to the Supreme Court's decision against the Hazelwood High School student press."

I hadn't heard. How ironic that I would teach journalism and the business of communication for almost half of my lifetime to high school students — yet might have possibly been the last person on the face of the free world to hear "The Big News. . . ." That the Supreme Court had reached a 5-3 ruling that "a school need not tolerate student speech that is inconsistent with its education mission. . . ."

"It's dreadful," was all I could hear myself say.

"Dreadful." What an idiotic understatement for perhaps the most important legal statement ever made on an individual's freedom of expression since the drafting of the Constitution and its amendments 200 years ago.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, or the right of the people to peaceably assemble, and to petition the government for a redress of grievances," was my recollection of the First Amendment as memorized in my high school civics class.

Wait. I didn't catch an age limit. I.D. requirement or consumer group rating attached to that amendment. Possibly our forefathers meant to place an age restriction on that freedom — especially if a story were to be on a subject written by a mere 15-year-old that was "inconsistent with the school's education mission. . . ."

Was my social studies teacher kidding me and my classmates when he assured us that all U.S. citizens were guaranteed these constitutional rights — regardless of age, race or creed?

I remember the issue of a free student press as exercised in a public high school setting being debated in my own high school in 1969 when I was 16 years old. As features editor of our weekly newspaper, I recall the tears of my own faculty adviser as she packed her belongings from her desk drawers and informed the student staff of her dismissal. . . .
and were reacting to their problem and how they got into such a state. They agreed to discuss their sexual lives as long as their names were not used. The principal, however, realizing that since there were only eight or 10 pregnant girls at the school, reasoned they might be identified.

The second article, which dealt with students' reactions to living with divorced parents, also was killed by the principal. He said he felt it was one-sided, giving only the students' viewpoint and not that of the parents. Which sounds strange, if you think about it, since a student newspaper, and not a "parent" newspaper, was at issue.

Nevertheless, the court ruled the principal had a right to censor both articles. The majority said school officials are within their rights to regulate the contents of such a publication as long as they act within a reasonable manner. I could live with that as long as I knew that all principals were reasonable people, trained to understand what is decent, responsible journalism and that they were not going to see themselves up as censorship zealots.

In reality, though, I know that some haven't the vaguest notion of how to properly apply the court's ruling. In their hands it's a dangerous decision. Yet I stop short of agreeing with the libertarian view of Louis E. Ingelhart, professor emeritus of journalism at Ball State University and a tireless defender of the rights of the student press. The decision was obviously a severe body blow to Ingelhart, who watched as a lifetime of work was seemingly squelched by the justices.

(The judges did, however, pretty much exempt college and university publications from the boundaries of the decision.)

Ingelhart's comments in Thursday's editions of The Star seemed to indicate that the majority of high school principals had been salivating over the thought they might finally gain a power of censorship over the student press. Listening to Ingelhart makes one think that principals are now ready to stamp school is the play journalism world." She also said that part of her job was teaching students that responsibility goes hand-in-hand with freedom of expression.

To me, that is what is being lost in this issue. Let's face it; folks: the high school press, while it might be a fairly decent training ground for future journalists, is still playland.

And that is why I cannot argue with the majority of the Supreme Court justices who were saying that a school newspaper is much more of a training ground than a public forum to allow kids to express whatever views, however extreme, that they want to express. If you buy the training ground argument, you can also be fairly comfortable with the justices' subsequent reasoning that school officials must be allowed a discretionary degree of control over their learning laboratories.

As one lawyer said in a brief supporting the principal's case: "When you have administrators exercising their responsibility over students in their care, there's a real question whether it's censorship that's involved."

Another point being obscured in this case is simply this: if we're going to teach student journalists about the real world, we're going to have to occasionally give them a taste of accountability.

Somewhere, sometime in their professional careers, someone is going to tell them they can't print something because it violates the paper's policy or it just doesn't meet their readership's standards.

Such people are called publishers and editors in the real world; in high school, they are called principals and journalism teachers.

A lot of bum decisions about not publishing something are made every day by publishers and editors. All of us have been in professional journalism for any amount of time are bound to feel we have been victimized by such decisions.

To deny student journalists this introduction to authority — and accountability — is to deny that the real world will ever exist once they leave the classroom.

Larry Shores is editor of The Star.
But why? In a deliberate effort to support the school administration's belief that student journalists are failing their students, Ingelhart makes one think that the majority of high school principals had been salivating over the thought that they might finally gain a power of censorship over the student press. Listening to Ingelhart makes one think that principals are now ready to stamp out the student press, powerless to protest such decisions.

To deny student journalists this introduction to authority — and accountability — is to deny that the real world will ever exist once they leave the classroom.

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To deny student journalists this introduction to authority — and accountability — is to deny that the real world will ever exist once they leave the classroom.

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that no topic is unapproachable if it is covered accurately, fairly and without malicious intent.

And now almost one more decade has elapsed and the saga continues. It's 1988 — yet I find we have returned to the thoughts of the '60s. Deja vu? Individual press freedoms? Not for those under 18.

My students may get pregnant — but not comment on it? My students may die of a drug overdose or of an alcohol-related driving tragedy — yet not debate the issues as they affect teenagers in their own high school newspaper? If we don't talk about it, does that mean an issue does not exist?

What more constructive outlet for serious teenage concerns than a public forum published in a high school newspaper under a laboratory setting advised by a teacher trained in journalism law?

And who is going to be the judge of which high school newspaper articles, school play topics, or song titles and lyrics are going to be "in conflict with the school's education mission?" A single school official?

As I stood speechless outside my night class door, I debated what would I say to my potential journalism teachers within. Where does the new Supreme Court ruling place the new high school journalism teacher? In possible conflict with the school administrators for trying to defend student press rights? Or in conflict and possible lawsuit with the students for supressing their press freedoms?

"Oh yes, my response to the Supreme Court's decision of earlier this week?"

Just because eight individuals sit in black robes and say it's so — doesn't make it right with me. I've read enough science fiction classics of 1984 and Big Brother, and book burnings in Fahrenheit 450 to know that a country does not remain free for long if its individuals are not allowed to honestly express their feelings and concerns without fear of retribution or punishment.

You can't keep caring individuals — of any age — quiet for long.

And that's for the record.

Terry Nelson is publications adviser at Yorktown High School.
WASHINGTON (AP) — The Supreme Court on Wednesday gave public school officials broad, new authority to censor student newspapers and other forms of student expression.

The court, by a 5-3 vote, ruled that a Hazelwood, Mo., high school principal did not violate students' free-speech rights by ordering two pages deleted from an issue of a student-produced, school-sponsored newspaper.

"A school need not tolerate student speech that is inconsistent with its basic educational mission even though the government could not censor similar speech outside the school," Justice Byron White wrote for the court.

He said judicial intervention to protect students' free-speech rights is warranted "only when the decision to censor a school-sponsored publication, theatrical production or other vehicle of student expression has no valid educational purpose."

The Missouri controversy arose in spring 1983 when Robert Reynolds, principal of Hazelwood East High School, refused to permit publication of two articles in the Spectrum — a school-sponsored newspaper produced by students in journalism class — dealing with teen-age pregnancy and the effect of divorce on children.

School policy required the principal review each issue of the Spectrum before publication. Reynolds objected to the two articles, and the pages on which they appeared were deleted.

A federal trial judge ruled against the students, but the 8th U.S. Circuit Court of Appeals reinstated the suit. It ruled the Spectrum is a "public forum" because it was intended to be and operated as a conduit for student viewpoints.

Chief Justice William Rehnquist and Justices John Paul Stevens, Sandra Day O'Connor and Antonin Scalia joined White's opinion.


Decision to encourage censorship

By Barb Brabcory

Wednesday's Supreme Court decision limiting high school students' First Amendment rights will encourage many schools to censor their student publications, according to a former chairman of the journalism department.

"High schools will be affected quickly and directly," Louis Ingelhart, an expert in student-press law, said. "I think 10 to 20 percent of high schools will issue repressive instructions on their publications due to this decision."

The Supreme Court handed down a 5-3 vote, ruling that the rights of students in Hazelwood, Mo., had not been violated by a principal's decision to delete two pages from their student newspaper.

"This is a step backward for the whole country," Ingelhart said. "We really don't believe in First Amendment rights for everybody.

"Even prison newsletters are not censored."

Students who are unhappy with the restrictions might start financing their own newspapers, leading to a rise in underground high-school publications, he said. "That will be even more troublesome."

Attorneys who represented the students in the case presented written briefs and 30-minute oral arguments.

"The attorneys did not represent the students well," Ingelhart said. "Never go before the Supreme Court with inexperience."

Terry Nelson, a journalism teacher and publications adviser at Yorktown High School, said she was sad the decision had been made.

"It's sad because this is the type of thing you'd expect in the '60s."

For Nelson, the decision brought back memories. She was removed from her teaching and advising position at Yorktown High School in 1979 because of her refusal to release the name of a person who had submitted an anonymous letter to the editor.

Nelson was later reinstated on the grounds of the First Amendment; ironically, the same amendment that had brought about her dismissal.

"From a high school standpoint, why should we be treated any differently?" Nelson asked. "We're guaranteed the same rights as everyone else. It's so frightening because it puts the student press a step under."
1984/1988:

It is 4 years late, but it is here

Good morning, comrades.
Big Brother welcomes you to another day in the United States of America.
The U.S. Supreme Court decided Wednesday to release high school students from the temptation for thought crimes or word crimes by providing censorship to their student publications.
"All hail Big Brother!"
All of you are encouraged to take advantage of your right of assembly this afternoon at 5:15 p.m., after all work is complete. There will be an assassination of thought criminals on the steps of the building where the Congressmen used to meet.
Hurry to assure the best seats.
For your entertainment, Sunday morning there will be a burning of St. Mary's Church. This will be the final step in eliminating religious dissension in Washington.
Comrades, it is time to practice our free speech. Repeat the pledge. "I am a loyal follower of Big Brother, and I will complete my work each day without grumbling because I am helping to secure the freedom of this great nation."
Don’t forget, this month anyone turning over one or more relatives for thought crimes will receive a complete cup of sugar.
Now, comrades, stand for morning calisthenics. Bend over and touch your toes. Straighten your backs.
Remember, Big Brother is watching you.
George Orwell wasn’t so far off, was he?
Censorship ruling frustrates student newspaper editors

By Anthony Millican
USA TODAY

Students across the USA said they feel frustrated by a Supreme Court decision Wednesday giving administrators final say on what goes into a high school newspaper.

The ruling didn't surprise school officials.

The court ended a four-year case involving Hazelwood (Mo.) East High School. Students sued when Principal Robert Reynolds pulled stories about teenage pregnancy and divorce from the Spectrum student newspaper. "I think other schools might say, 'Now we can get control over the newspaper,'" said Reynolds.

Albany, N.Y., school superintendent David Brown said: "I don't feel there's any intent (by the ruling) to cloud the truth. But I would have great concern if someone pulled a story because of personal prejudices. If school is a learning experience, there has to be... give and take."

Students across the USA said they welcome the responsibility of editing their newspapers.

"We're journalists, too. High school papers should have the same freedoms as others," said Mike Van Dyke, Echoes editor at Central High School in Phoenix.

"It's censorship no matter what they call it," said Catharien Rodgers, an editor of South Eugene (Ore.) High's Axe.

"Students should have the right to express things without someone looking over their shoul-"
Supreme Court Rules 5-3 That Principal Had Power to Censor School Newspaper

By STEPHEN WERMIEL
Staff Reporter of The Wall Street Journal
WASHINGTON — The Supreme Court ruled 5-3 that public school officials have substantial authority to censor school newspapers and other student expression.

The decision, written by Justice Byron White, continues the court's recent trend of curtailing the rights of high school students and giving broader latitude to school administrators. This is a marked change of direction from a major ruling in 1969, when the justices declared that students don't "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

In yesterday's ruling, the justices upheld a high school principal's decision to delete two pages of a student newspaper because he objected to articles about teenage pregnancy and divorce. The high court said the action in 1983 by a principal in Hazelwood, Mo., a St. Louis suburb, didn't violate the First Amendment rights of the three student editors who filed a lawsuit.

The court said that students' First Amendment rights come into play "only when the decision to censor a school-sponsored publication, theatrical production, or other vehicle of student expression has no valid educational purpose." The Hazelwood principal, the court said, was legitimately concerned that pregnant students might be identifiable in one story, although their names were changed, that the privacy of their boyfriends wasn't protected, and that younger students would be exposed to "inappropriate" discussion of sex and birth control. In the article on divorce, the principal felt that a divorced father should have a chance to respond to criticisms by his daughter.

The court said that school-sponsored newspapers and similar activities aren't intended to provide a public forum for student views, but rather are part of the curriculum and must be subject to official control to make sure the purposes of such programs are met.

The court's ruling prompted a sharp dissent, written by Justice William Brennan, and joined by Justices Thurgood Marshall and Harry Blackmun. Describing the principal's action as "brutal censorship," the dissent said, "Such unthinking contempt for individual rights is intolerable from any state official. It is particularly insidious from one to whom the public entrusts the task of inculcating in its youth an appreciation for the cherished democratic liberties that our Constitution guarantees."

The censorship, the dissent said, "...in no way furthers the curricular purposes of a student newspaper, unless one believes that the purpose of the school newspaper is to teach students that the press ought never report bad news, express unpopular views, or print a thought that might upset its sponsors."

When the Hazelwood lawsuit went to trial, a federal district court ruled that the First Amendment rights of the students weren't violated. But a federal appeals court in St. Louis ruled in 1986 that the censorship wasn't justified.

In the district court, school officials made much of the fact that the newspaper was produced in a journalism class, rather than as an extra-curricular activity. But the Supreme Court ruling didn't seem to differentiate between the two situations. "The language seems broad enough to apply to extra-curricular papers, too, as long as they are official papers," said Ivan Gluckman, legal counsel to the National Association of Secondary School Principals, which was pleased with the ruling.

But lawyers who represent the media in First Amendment disputes weren't happy with the decision. "This cuts the legs out from under the student press," said Bruce Sanford, a Washington lawyer. "The stories involved in this case were fine examples of what we want students to report on," he said.

The ruling yesterday is the latest to suggest that the constitutional rights of high school students may be limited. In 1986, the high court ruled that officials may prohibit students from giving speeches in school that are "vulgar," although not obscene by legal standards. And in 1985, the justices said that because of the need to maintain an orderly learning atmosphere, school officials may search students and their belongings without having the probable cause that the Constitution requires for most searches.
Censorship

High Court's Ruling
Seen as Disappointing

By CINDY CARSON
Star Staff Reporter

Does it really matter whether high school student newspapers or theatrical productions are subject to broad censorship by school administrators?

Louis E. Ingelhart, professor emeritus of journalism at Ball State University, says yes, and yes. "This decision has terrible implications," he told The Star.

Ingelhart was responding to the news about a U.S. Supreme Court decision on Wednesday that gave public school administrators broad powers of censorship over students' rights to free expression.

The 5-3 decision concerned a case that began in 1983 when Hazelwood East (Mo.) High School Principal Robert Reynolds refused to allow publication of two articles in the student newspaper, the Spectrum.

One article addressed teenage pregnancy and included interviews with three Hazelwood students who became pregnant, giving each her account of her reaction, her parents' reaction and her future plans. The other article explored the effects of divorce on children using quotes from Hazelwood students.

Students filed suit claiming their rights had been violated. The case failed in a federal court, but the 8th U.S. Circuit Court of Appeals reinstated it, ruling that the school newspaper was a "public forum because it was intended to be and operated as a conduit for student viewpoints."

But on Wednesday, the Supreme Court ruled that the school newspaper was a learning tool for journalism students. Justice Byron R. White said school officials were entitled to "regulate the contents of Spectrum in any reasonable manner."

In a telephone interview Wednesday, Ingelhart said he did not have information about the exact language of the decision handed down Wednesday, but that he did attend the oral arguments presented before the Supreme Court in October.

"The attorneys for both the school and the students left a very confused bunch of justices there, because neither one of them presented a very strong or lucid argument," Ingelhart recalled.

(See CENSORSHIP on Page 11)
Censorship

(Continued From Page 1)

While he was not surprised by the decision, Ingelhart said, he was disappointed.

"This decision is going to make high school kids stand in line and not say anything, not write anything, not think anything," Ingelhart said.

Without the freedom to write or speak publicly about controversial school and community issues, the quality of education and students' ability to think critically could be endangered, Ingelhart said.

According to an Associated Press report, dissenting justices William J. Brennan, Thurgood Marshall and Harry A. Blackmun, labeled the decision "thought control."

"Such unthinking contempt for individual rights is intolerable," they said in their dissenting opinion.

Ingelhart agreed.

"Controversy causes high school principals to turn purple," he said. "They might seize on this as a way to hide from the public what the school program is really about."

"It not only has implications for the kids who are in high school, but look what we'll be turning out, a bunch of people who believe that people shouldn't write critical editorials, that newspapers shouldn't investigate crooked officials," Ingelhart said.

While Southside High School teacher Barbara Rains agrees with Ingelhart that censorship is unacceptable, part of her job is riding herd on young journalists who are learning the ins-and-outs of newspaper writing, including the dangers of libel.

As faculty director over the Southerner, Southside's yearbook, and the Sentinel, the student newspaper, Rains said she was "on their backs" more than Southside Principal Tim Heller.

"I want to prepare them for the professional world because, really, school is the play journalism world," Rains said. "Instead of teaching them just how to play the game, I want them to be able to go to a professional world and be an adequate journalist."

Rains said part of her job was teaching students to take responsi-
WASHINGTON (AP) — The Supreme Court on Wednesday gave public school officials broad, new authority to censor student newspapers and other forms of student expression.

The court, by a 5-3 vote, ruled that a Hazelwood, Mo., high school principal did not violate students' free-speech rights by ordering two pages deleted from an issue of a student-produced, school-sponsored newspaper.

"A school need not tolerate student speech that is inconsistent with its basic educational mission even though the government could not censor similar speech outside the school," Justice Byron R. White wrote for the court.

He said judicial intervention to protect students' free-speech rights is warranted "only when the decision to censor a school-sponsored publication, theatrical production or other vehicle of student expression has no valid educational purpose."

The dissenting justices accused the court of condoning "thought control," adding, "Such unthinking contempt for individual rights is intolerable."

The Missouri controversy arose in spring 1983 when Robert Reynolds, principal of Hazelwood East High School, refused to permit publication of two articles in the Spectrum, a school-sponsored newspaper produced by students in a journalism class.

One of the articles dealt with teen-age pregnancy, and consisted of personal accounts by three Hazelwood East students who became pregnant. Their names were changed in an attempt to keep their identities secret.

Each of the three accounts discussed the girl's reaction to her pregnancy, the reaction of her parents, her future plans and details of her sex life.

The second article dealt with the effect of divorce on children, and quoted from interviews with students.

School policy required that the principal review each issue of the Spectrum before publication. Reynolds objected to the two articles and the pages on which they appeared were deleted.

Journalism students Kathy Kuhmeier, L. Tippett-West and Leslie Smart sued Reynolds and other school officials, contending their freedom of speech had been violated.

A federal trial judge ruled against the students but the 8th U.S. Circuit Court of Appeals reinstated the suit.

White noted that the court was not saying whether the same degree of judicial deference to educators' censorship decisions "is appropriate with respect to school-sponsored expressive activities at the college and university level."

One of the three students who challenged the censorship at Hazelwood East, Leslie Smart, said she was dismayed by Wednesday's ruling.

Now a senior majoring in political science at Washington University in St. Louis, Ms. Smart said, "It's right there in the Constitution. It doesn't have an age limit. Censorship is not legal in this country."

Francis Huss, superintendent of the Hazelwood School District, said it was a landmark decision because it "establishes the authority of the board of education to make decisions regarding what the curriculum should be."

Chief Justice William H. Rehnquist and Justices John Paul Stevens, Sandra Day O'Connor and Antonin Scalia joined White's opinion.


Writing for the three, Brennan said the court was giving too much deference to school officials.

In other decisions, the court:

—Upheld by a 4-4 vote a New York City affirmative action plan designed to promote more blacks and Hispanics within the city's police department.

—Ruled unanimously in a case from Alabama that federal officials are not entitled to blanket immunity from being sued when accused of causing personal injuries.

—Upheld, 5-3, the death sentence of a convicted Louisiana murderer in a ruling that gives states more leeway in determining which murderers should be executed.
that is inconsistent with the educational mission even if the government could not censor such speech outside the school.

Justice Byron R. White wrote for the court:

"Judicial intervention to protect students' free-speech rights is warranted only when the decision to censor a school-sponsored publication, theatrical production or other vehicle of student expression is not in the public's interest.

The dissenting justices accused the court of condoning "thought control," adding, "Such unthinking attempt for individual rights is in the public interest.

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A federal trial judge ruled against the students but the 8th U.S. Circuit Court of Appeals reinstated the suit. It ruled that the Spectrum is a "public forum" because it was intended to be and operated as a conduit for student viewpoints.

But the Supreme Court ruled that the Spectrum is not, and never was, a public forum.

Wednesday's decision, in concluding that the Hazelwood East principal acted reasonably, did not use the same standard of review used by the court in a landmark case.

Weanesday's ruling.

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Missie Stan
Jan. 14, 1988
Student editors and freedom of press

WASHINGTON — The student editors liked the feature on teen-age pregnancy. They thought it was hot stuff. The high school principal didn’t like the piece at all. He thought it was too revealing. So the principal killed the story and the student editors sued. Who’s right?

The U.S. Supreme Court last month agreed to have the last word on the question. The case is Hazelwood School District v. Cathy Kuhlmeier et al, No. 86-836, and some of us who have been both student editors and real-world editors will look forward to having the argument settled.

These were the facts: Hazelwood East High School in St. Louis has a school-sponsored newspaper called Spectrum. The paper appears nine or 10 times during the school year. It is written as a class project by students enrolled in Journalism II. The journalism teacher appoints the editors, selects letters to the editor, makes assignments, and generally supervises the choice and display of stories. The teacher customarily checks with the principal before publication of each issue. Except for minor income from the sale of individual copies, Spectrum’s expenses are paid from public funds.

Early in May 1983, Hazelwood’s incumbent teacher of journalism resigned to go into private business. He left behind an almost completed issue of Spectrum that was to include two articles in particular. One article provided personal accounts by three students who had become pregnant; the story gave details of their sex lives and dealt with the use or non-use of contraceptives. A second story dealt with a student’s personal experience with her parents’ divorce.

Howard Emerson, retained as a journalism instructor to complete the school year, had doubts about the stories. He took galley proofs to Robert Reynolds, Hazelwood’s principal. Reynolds thought the story about the pregnant girls, even though their names had been changed to fictitious Terri, Patti and Julie, was too revealing. Only eight to 10 girls at Hazelwood were generally known to be pregnant, and Reynolds felt the subjects might be identified. Reynolds also objected to the piece or divorce: It was entirely one-sided; it failed to give the parents a fair shake; and it too amounted to an invasion of privacy.

Reynolds thus ordered the stories killed. The effect was to kill two entire pages of what had been scheduled as a six-page issue. The disappointed student editors subsequently brought suit in U.S. District Court seeking a declaratory judgment that their constitutional rights had been violated. They also sought nominal damages for their pain and suffering.

District Judge John F. Nangle ruled against the student editors and in favor of the school authorities. He concluded the Spectrum was a part of the course in journalism; as such it was as much subject to official supervision as a textbook. The 8th Circuit Court of Appeals, voting 2-1, reversed his decision. The appellate court found that the newspaper was a conduit for student opinions. It was in effect a public forum. Citing other cases on student rights, the court held that student newspapers may be restricted only when (1) publication might result in tort liability for the school or (2) publication might result in material and substantial interference with school work or discipline. Neither of these reasons, said the court, justified Reynolds censorship.

This is the legal reasoning: The 14th Amendment says that no state may deny “liberty” to its citizens. These editors were citizens of Missouri. The school is an agency of the state. Freedom of press is a constitutional liberty. Therefore the principal of Hazelwood High School may not constitutionally restrict what students write or publish in a state-sponsored newspaper.

This is my own opinion: Homesteader. The real world is different. In a grown-up world an editor is subject to publisher, and if the publisher says “Keep the piece,” that’s it, sweetheart.

James Kilpatrick

Kilpatrick is a syndicated writer on national and international affairs.

Austin American Statesman

Saturday, February 14, 1987
Continued from Page 1

they wrote in their brief, "is no journalism at all."

The Hazelwood case involves the narrow issue of student
journalists' First Amendment rights, the Court's ruling could cast
new light on the broader legal question
of citizens' access to public
school records.

In recent years, lower federal
courts have issued a spate of often
conflicting rulings on the circumstances in which schools become "for
ums" for purposes of constitutionally
protected speech. The cases have
involved issues as diverse as the ac-
cess by union members to teachers' mail-
boxes, voluntary student prayer meetings on school grounds, and
peace activist's rights to hold an-
demonstrations on athletic fields or
distribute literature at school-spon-
sored career days.

The Court's action last week also
marked the second time in as many years that it has agreed to hear a
case involving the free speech rights of students. In Breith School
District v. Winkler, the district was

The logic of the (appeals court's) opinion
takes the teaching of journalism through supervised publication of school-sponsored newspapers unworkable," according to
the brief.

The three former students who filed
the suit, however, alleged that the school di-
rector was seeking the Court's approval to
"trangle" student publications.

"Journalism under such circumstances,"
Continued on Page 16
A court affirms the rights of the student press

By Benjamin Sendor

Courts will continue to frown on school officials’ efforts to regulate the content, rather than the manner, of student expression: That is the message of a case decided by the Eighth U.S. Circuit Court of Appeals on the same day the U.S. Supreme Court handed down its opinion in Bethel School District No. 403 v. Fraser. Recall that in Fraser, the high court gave school officials broad authority to regulate vulgar speech by students (see School Law, October). But recall, too, that in his majority opinion, then-Chief Justice Warren Burger emphasized that the decision dealt only with controlling the manner in which a student expresses an idea or opinion and that First Amendment freedom of speech covers the content of student expression in a strongly protective manner.

The Eighth Circuit case—Kuhlmeier v. Hazelwood School District—involved the censorship of two articles from Spectrum, the monthly student newspaper of the Hazelwood (Missouri) East High School. The newspaper, which sold for 25 cents a copy, was produced by journalism students who wrote, edited, and laid out the paper for credit. The faculty adviser, Howard Emerson, and the principal, Robert Reynolds, reviewed each issue before publication.

When Emerson submitted page proofs of the May 13, 1983, issue to Reynolds for approval, the principal ordered him to delete two articles—one about three pregnant girls and another about the impact of divorce on students. Although Reynolds did not explain his decision to Emerson at the time, he later testified that he ordered deletion of the pregnancy article because he thought the girls could be identified despite the use of pseudonyms. He wanted the divorce story pulled for the same reason: One student was mentioned in the article by name and gave reasons for her parents’ divorce, but the parents had not consented to the article nor been given a chance to respond. Reynolds did not know at the time that Emerson already had deleted that student’s name in the copy to be sent to the printer.

The first the Spectrum’s student staff knew of the changes was when the paper came out without the stories. In a meeting after the paper’s release, Principal Reynolds told the staff the articles were inappropriate, personal, and sensitive. The students later photocopied the censored stories and distributed them on school grounds. Three Spectrum staff members then sued the school system and school officials in federal district court, alleging that the principal’s act violated their First Amendment right to freedom of speech.

When the district court ruled against the students, they appealed to the Eighth Circuit, which ruled 2-1 to reverse the decision.

Writing for the majority, Judge Gerald W. Heaney followed the two-tiered analysis courts use in student newspaper censorship cases: If the newspaper is “an integral part of the school curriculum,” then school officials need only act reasonably in deciding to censor articles. But if the newspaper functions as a forum for student expression, then an article can be censored only if the censorship is “necessary to avoid substantial interference with schoolwork or discipline... or the rights of others”—the standard established by the Supreme Court in 1969 in Tinker v. Des Moines Independent Community School District and reiterated by the high court recently in Fraser. Spectrum, by this test, was a hybrid. On the one hand, the paper was an integral part of the school’s journalism curriculum. Yet board policy and school tradition made it clear Spectrum also served as an open forum for the expression of student journalists. One board policy about student publications stated that “students are entitled to express in writing their personal opinions”; another provided that “school-sponsored student publications will not restrict free expression or diverse viewpoints within the rules of responsible journalism”; and a third gave students the right to study and express their opinions about controversial issues. Furthermore, at the beginning of each year, Spectrum published a policy statement announcing that articles and editorials reflected student views rather than the views of administrators and faculty members. And finally, in previous years, the paper had published stories about a variety of controversial topics, including student drug and alcohol use, school desegregation, religion, cuits, and runaways.

Judge Heaney reasoned that, while Spectrum was part of the journalism curriculum, its status as a vehicle for student expression made it an open forum, protected by the stiff First Amendment standards of Tinker.

Then, after noting that school officials had presented no evidence that the two stories would have disrupted class work or caused substantial disorder, Judge Heaney addressed what he considered the heart of the case: invasion of privacy. Would the divorce article invade the privacy of the parents of the girl named in the unpublished draft of the article? Would the pregnancy article invade the privacy of the boyfriends and parents of the girls interviewed for the story? Judge Heaney’s answer, in both cases, was No.

Deleting the girl’s name in the divorce story adequately protected her parents’ privacy, the Judge concluded. As for the pregnancy article, the use of pseudonyms adequately protected the privacy of the girls’ boyfriends, he said, and the privacy rights of their parents were not at issue, as the article dealt only with the lives of the girls, who had consented to the interviews. The principal’s decision to pull the two articles did not satisfy the Tinker standard. Judge Heaney concluded; by removing the stories, the principal violated the students’ First Amendment rights.

The Eighth Circuit’s decision in Kuhlmeier offers a vivid illustration of the distinction Chief Justice Burger made in Fraser: The courts will give you considerable leeway in regulating the tone of student expression in an open forum, such as the sexually suggestive speech at issue in Fraser. But they will carefully scrutinize any restraint on the content of student expression in an open forum. Indeed, as Kuhlmeier shows, even well-intentioned efforts to protect people’s privacy are subject to a judge’s legalistic second-guessing.

Kuhlmeier’s second lesson is that school administrators and board members have greater control over student publications that do not serve as open forums. Moreover, the authority is yours to decide in the first place whether a specific student publication will function as an open forum or as part of the curriculum. Your board attorney can help you decide which types of student publications are appropriate for your schools and prepare policies that set effective and lawful guidelines for those publications.

Benjamin Sendor is an attorney and assistant professor of public law and government at the University of North Carolina’s Institute of Government in Chapel Hill.
Are these private matters? Or major news?

A well-known couple, one of them a household name in this country, is headed toward divorce. With what intensity and prominence should we cover their personal misfortune? (More than a million other couples will be divorced in America this year, we will carry few words about them.)

Or, similarly, a young man of some note dies. Should we tell the world our readers, that he had AIDS? We will report individually on most of this country's 15,000 other AIDS-related deaths this year.

What price fame?
Two stories. Two journalistic challenges. And no absolutely right, or wrong, answers.

You, the editor, decide. Do you cover these stories at all? To what degree? On the front page? How much of a difference does it make how well known these people are? Are the proper limits of a public person's right to privacy? What does the reader need to know, or have a right to know?

The Lacoccas

Eight days ago we ran a story atop Page One that said Lee Lacocca, the chairman of Chrysler, was filing for divorce from Peggy, his wife of eight months. We ran follow-up stories on Page One the next four days. The reporting continues.

Is it worth all that?

Maybe you, the editor, say yes.

You believe this is a legitimate and important story. You assign your reporters to cover it heavily because of the prominence of the parties involved and the fascination Lee Lacocca has for so many of your readers.

But maybe you, as editor, are not so sure about all this. You acknowledge these stories are very well read. Still, you seek reasons to run a story rather than simply how quickly and hard it grabs a reader. You concede that sometimes it is necessary to write about people's private lives, but think we ought to do so only when:

- The public good is involved: We want to share a lesson of life with readers, or we seek to spotlight a social problem, or a matter of public trust is involved.
- The story involves actions that may affect the lives of others, for example, Roger Smith's stewardship of General Motors.

Lee and Peggy lacocca

Egad, Mr. Lawrence! "Peggy Wants Lee Back...Was Still, this sort of headline has no place in a newspaper the stature of the Free Press. The National Enquirer perhaps.

— Dr. James C. Troust
of Coldwater

In the case of public officials, we give voters information that may be pertinent to their choices because it may affect performance in office.

So what would you do?
How much of your space and staff would you spend on a story? Where would you run the story?

How big would the headlines be? What would they say? Do you consider the feelings of the human beings involved as you write the headlines? How much space would you spend on these stories in relationship to other, more substantive stories that readers need to know? How many reporters would you use and where would you dispatch them?

Editing is an art of degrees. You are the editor. Where would you draw the line?

Terry Dolan

You are the editor on the national desk handling the obituary of Terry Dolan. His name has been on the wires many times in the past decade. Until he became really sick six months ago and had to resign his position, he had led the National Conservative Political Action Committee, better known as "Nick-pack" (NCPAC). He was a strident leader in what many call the New Right.

Each day on the national desk, you and your colleagues sort through the 500,000 or so words that move from our Washington Bureau, the Associated Press, United Press International, Reuters, the New York Times and other wires. Your newspaper pays big money for these wires, and you have space to run not much more than one percent of all the words that move. Your job is about choices — what stories, what words, what facts?

If you read the most recent Newsweek, you know it reported that Terry Dolan was gay and that some sources, including the Washington Post, said he suffered from AIDS. All you read in the Free Press the week before was: "The immediate cause of death was listed as congestive heart failure."

None of the Free Press wire services carried any AIDS reference. But let us say you, the editor, had access to that information. What would you have done?

Executive editor Bernard would decide "on a case-by-case basis," he says. "Here, Dolan was a very prominent political leader, well known for his alliance with the Moral Majority. If we'd had the information, I would've run it. Maybe publishing that he suffered from AIDS would help to show that it is a disease which can strike anyone, anywhere, and at any point in the political spectrum."

My mission today is not to confuse you, but rather to give you a better sense of how tough and complex these decisions can be. I want you to know we think about these things, and that we disagree among ourselves about what is right and what is best. We won't abdicate our responsibilities to make the decisions; nor will we help others to know what you think. You can write me at the Free Press, 321 W. Lafayette Blvd., Detroit 48231.
Dead - student press rights.

I was shocked to hear that the Constitution will no longer protect me as a student journalist and my articles for my school publication.

I caught the last bit of the news story on the KULT-er vs. Hazelwood Supreme Court ruling on the CNN nightly news. I was amazed that the Court ruled against free press rights of students and were now going to allow school administrators to censor student publications, along with theatrical productions, speech classes, music or simply any form of self expression.

Stunned at the decision I called my editor, Jennifer Reese. She had not heard the outcome. But after telling her what I had heard, we decided to stop the press on the Broadcaster. We agreed to switch the stories on the front page to add this story because we believe strongly in the freedoms of students while at school.

After we decided to redo the front page, I called the Mr. Pulse Star and talked to Cindy Carson, education beat reporter, who was working on the same story. I asked her if we could see the Associated Press news stories coming over the wires.

But while in the process of taking down quotes for our story, Jennifer and I became part of hers. The reporter asked my opinion on the case and asked me to tell what I was doing that night.

Leaving the Star, we went to our adviser, Terry Nelson's house at about 11:30 that night. When we arrived, she was on the phone talking about the same subject we were: the death of student rights. We went in and talked about our feelings on the landmark decision.

We agreed at about midnight that the next day publication, students would wear, black to show our mourning of the death of our press rights. Calling our staff and waking up parents, we tried to tell as many as possible the news and to wear black the next day.

The news that shocked me also shocked my editor.

When Billy called me I couldn't believe what was going on. That same day in my government class, I was learning about my First Amendment rights and before I knew it, I had none left. I checked to see exactly what the First Amendment said: "Congress shall make no law abridging the freedom of speech, or of the press."

"I'm dismayed that they ruled the way they did but not surprised," said Dr. Louis Ingold, Executive Board Member of the Student Press Law Center and Journalism Professor at Ball State.

The Supreme Court ruled in a 5-3 vote for the school board of Hazelwood High School, who pulled two stories from being printed: one dealing with teenage pregnancy and another dealing with divorced families.

"A school need not tolerate student speech that is inconsistent with its basic educational mission even though the government could not censor similar speech outside the school," said Justice Byron R. White.

"A school is only a public forum for the purpose of education," White continued. "Dissenting Justice White argued that the school was only a public forum for the purpose of education, and therefore could not be compared to a public school for purposes of First Amendment protection."

"I was stunned at the decision," said Justice William J. Brennan.

We feel sorry for the future journalism students - for their advisor will be a censor similar to the Big Brother in what we thought were only science fiction novels.
Hazelwood vs. Kuhlmeier

High school press in jeopardy

S. J. X. ?@! Those little scribbles you just read reflect editing. These "censored" words were found inappropriate to be printed in the Broadcaster - not by any outsider, person, but by the reporter of this article.

When a student journalist studies mass communication law, he finds out that the Tinker versus Des Moines case in 1969 firmly established free press rights for all students - regardless of age. He also discovers that there are three areas that a high school paper may not publish and be exempt from a law suit: any article dealing with libelous material, any article containing obscene material, or any article that would cause a disruption in a normal school day.

Any person, of any age, who attempts to censor the paper or block publishing through prior restraint is in direct conflict with the rights outlined in the Constitution.

This interpretation of the Constitution is currently under fire and came before the Supreme Court this fall in the case, Hazelwood School District versus Kuhlmeier.

The case involves censorship of two different articles. One dealing with divorced families and another dealing with teenage pregnancy, which were removed prior to publishing by the high school principal. Robert Reynolds, principal, felt that he would be protecting the unnamed students involved in the articles by pulling the stories from being published.

A short time after the censorship, Lee Ann Tippett, Leslie Smart, and Cathy Kuhlmeier, who were all students of the school's paper the Spectrum, filed suit in federal court. The students said that their First Amendment Rights had clearly been violated. The students lost in the first court's decision.

The students immediately appealed to the Eighth Circuit Court of Appeals which overturned the lower court's decision. At the Appellate Court's decision, the school district appealed to the Supreme Court of the United States. The Court, Ingelhart says, "what a wonderful thing to have happen."

"Some student publications will start talking about controversial issues," Ingelhart says, "but to the publications that use 'dirty words' the court does not give sympathy."

Ingelhart continued, "I don't mind them (the administration) being critical but I mind them saying you cannot print anything (controversial issues)."

If the outcome is in favor of the school board, Ingelhart believes, there will be a rebirth of underground papers.

"Once you squash the right to express one's self, he [student journalist] will find other avenues," states Ingelhart.

"These papers [underground papers] will be far more vicious and nasty," said Ingelhart, "than the school papers of today."

Ingelhart believes that if the ruling is in favor of the school board it will have a bigger impact than just what is printed in the school's paper. It will influence young adults in their ideas of government.

"It will be society's way," concluded Ingelhart, "of telling kids that all the 'grand talk' about the 200th anniversary of the Constitution does not count... that the Constitution is just for the old and not for the young."

My editorial could have been censored, only expressing what the school administrators believe to be true and just. But if that were to happen this article would become a public relations vehicle for school administrations like the Hazelwood School District.

The Constitution should not only protect the rights of adults but high school students as well.

There can be internal censoring by the editor or by the reporter as in the beginning of this article. Censoring should only occur, however, if an article was found in clear violation of the Broadcaster's Editorial Policy printed in the first issue of the year - and then only by a student editor.

But - under no condition - should any outsider individual have the right to edit my personal opinion or the paper's view on any topic of concern to a majority of the reading audience.

Students who agree with this view on student press rights should clip out this article and send it to one of the eight Supreme Court Justices listed.
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The students immediately ap-
ppealed to the Eighth Circuit
Court of Appeals which over-
ruled the lower court’s decision.

After the Appellate Court’s
decision, the school district ap-
ppealed to the Supreme Court of
the United States. The Court
agreed to review the case and
on October 13, the High Court
heard the arguments from both
sides.

A decision is expected within
the next few months.

As a student journalist, I can
only hope that the decision will
be in favor of the students.
I can only see that their first
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Students who agree with this view
on student press rights should clip out
this article and send it to one of the
eight Supreme Court Justices listed
below.

Students should realize that they
have the right to express their views
not only on the school level in the
Broadcaster but on the national level
as well.

The names and address of the Supreme Court
Justices are as follows: John Paul Stevens,
Thurgood Marshall, Chief Justice William H.
Rehnquist, Byron R. White, Harry A. Blackmun,
William J. Brennan, Sandra Day O’Connor, and Antonin
Scalia, United States Supreme Court Building, One
First Street North East, Washington D.C., 20543.
This is now appropriate for high school newspapers

Published by Authority

This issue of
The Compliant

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Statement from the AEJMC-Secondary Education Division
January 16, 1987

The Secondary Education Division of AEJMC deplores the January 13 United States Supreme Court decision in Hazelwood v. Kuhlmeier. This decision ignores the value of a vibrant student press and encourages a repressive school environment.

The Court has given school officials greater authority to control student expression. But with these rights, the Court has also given educators added responsibility.

A vigorous, issue-oriented student press is an effective tool in the citizenship training central to the mission of the public school.

The Hazelwood ruling has accented the need for effective high school journalism programs. We heartily endorse this goal. By allowing school officials to regulate student publications that reflect shortcomings in style and content, the Supreme Court has issued a challenge. Recent research has shown that work on student publications is related to success on college entrance exams and in freshman composition. School officials should recognize the value of nurturing excellence in scholastic journalism as well. The result should be stronger high school journalism programs headed by qualified teachers and advisers.

Many of our nation's finest journalists received their earliest writing encouragement and experiences on high school publications. We urge professional journalists to join us in promoting a vigorous student press.

We are confident that the national, regional and state scholastic press associations recognize the challenges that accompany this decision. Therefore, those associations will be encouraged to continue to provide educational opportunities for journalism teachers, publications advisers and student journalists to develop the skills necessary to practice responsible journalism.

It is now up to school officials, who have a mandate to help young people become productive citizens. Schools must welcome the free exchange of ideas and should support high school journalists who bring this principle to life.
Student journalists react to court ruling

A U.S. Supreme Court decision on Wednesday giving public school administrators broad powers of censorship over student newspapers has spurred quick reaction from local educators and students.

"This makes for a very superficial journalism education for students," said Louis E. Ingelhart, professor emeritus of journalism at Ball State University. "The decision is superficial on the part of the justices.

"What bothers me is that criminals in prison have more rights now than high school students do in terms of freedom of expression."

Ingelhart serves on the board of directors of the Student Press Law Center in Washington, D.C. The center is a non-profit corporation that studies press laws in regard to students publications and gives legal advice to staffs of student publications.

The professional press "should get behind this group amid this new threat," said the professor of journalism for 30 years. "This is very likely to hurt the professional press in the future." The 5-3 court decision concerned a case that began in 1983 when Hazelwood East (Mo.) High School Principal Robert Reynolds refused to allow publication of two articles in the student newspaper, the Spectrum.

One article addressed teenage pregnancy and included interviews with three Hazelwood students who had become pregnant, giving each girl's account of her reaction, her parents' reaction and her future plans. The other article explored the effects of divorce on children using quotes from Hazelwood students.

Students filed suit claiming their rights had been violated. The case failed in a federal court, but the 8th U.S. Circuit Court of Appeals reinstated it, ruling that the school newspaper was a "public forum because it was intended to be and operated as a conduit for student viewpoints."

But on Wednesday, the Supreme Court ruled that the school newspaper was a learning tool for journalism students. Justice Byron R. White said school officials were entitled to "regulate the contents of Spectrum in any reasonable manner."

Ingelhart attended the oral arguments presented before the Supreme Court in October.

The freedom to write or speak publicly about controversial school and community issues is a part of a good journalism education, Ingelhart said.

"That is the crux of journalism," he said. "The significance of a publication is what is says, not how pretty it is. Graphics and mechanics must be studied. But a good newspaper does more than deal with mechanical issues."

Ingelhart said he is afraid of the "implications" of the court decision.

Students will believe that people shouldn't write critical editorials or that newspapers shouldn't investigate crooked officials, he said.

"I hope school newspapers will not become limp, little pieces," he said. "It's a terrible violation of people's rights.

"This may also bring about a rise in underground newspapers by people of school age."

Cindy Barber, adviser of Delta High School's student newspaper, said, "I was very shocked about the ruling. If we are to be treated as any other newspaper... subject to slander and libel... then we should not be censored."

Nancy O'Dell, editor of the newspaper, is preparing an editorial on the matter for next week's paper.

"Without a doubt many school officials will be fair with this censorship, but a small percentage of publications will be censored heavily and left without rights," she writes. "Does this mean we can no longer publish what we find newsworthy?"

Southside High School teacher Barbara Rains, faculty director over the Southerner, Southside's yearbook, and the Sentinel, the student newspaper, said, "I want to prepare them for the professional world because, really, school is the play journalism world."

Rains said part of her job was teaching students to take responsibility that should be coupled with freedom of expression.

Billy Poole, managing editor at the Yorktown High School newspaper, the Broadcaster, said, "How could you rule against free speech? Our school lets us print what we want. I don't know what you could print that would be so obscene."

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Districts 'jump the gun' on prior restraint rules

by Julian Adams

Several school administrators' groups have recently advised their members that scholastic publications are an integral part of the school curriculum, and are therefore subject to full administrative control and censorship. Some school districts are also reported to have issued regulations enforcing this position.

These judgments are apparently based on a single federal court decision, in the case of Kuhlmeier v. Hazelwood School District. In May, 1985, U.S. District Judge John Nangle ruled that the principal of Hazelwood (MO) High School had the right to delete material from the school newspaper, the Spectrum, which was an integral part of the school's curriculum and not a public forum, and as a result was not entitled to the protection of the First Amendment.

Such action by administrators and school districts, except within the eastern part of Missouri, was at least premature, if not totally incorrect.

The case most often quoted relative to the question of whether a school newspaper is, or is not, a part of the school curriculum is that of Gambino v. Fairfax County School Board. In 1977 the Fourth Circuit Court of Appeals affirmed a Virginia district court judgment in which Judge Albert V. Bryan had said, "The newspaper is not in reality a part of the curriculum of the school and . . . is entitled to First Amendment protection. The power of the school board to regulate course content will not support its action (banning a story) in this case."

The newspaper in question, the Farm News of Hayfield (Virginia) High School, had planned to publish a story summarizing results of a survey regarding the sexual activities of students. The school principal had specifically objected to inclusion of student comments regarding contraception, since school board policy judgments are widely quoted and respected.

Secondly, the district court decision flies in the face of most appeals court decisions, which regard school newspapers as public or free speech forums that are entitled to full protection of the First Amendment. Except for specific cases of libelous, obscene, or disruptive material, scholastic publications are not subject to prior restraint by public school officials, according to these decisions. In fact, one judgment, Fujishima v. Board of Education by the Seventh Circuit Court of Appeals which serves Illinois, Indiana and Wisconsin, requires that there be no prior restraint under any circumstances.
A Judge Gives Today's Newspapers a Critique

By BOBBY HAWTHORNE, Director
Interscholastic League Press Conference
The University of Texas at Austin

EDITOR'S NOTE: The following speech was presented to the general assembly at the spring convention of the Oklahoma Interscholastic Press Association at The University of Oklahoma in Norman, OK, April 21, 1986.

I had originally planned to discuss the future. When people come to a convention, that's what they want to hear about. Trends. Innovations. Space-age gadgetry. Stuff like that.

They want to know, "Where do we go from here?"

Frankly, I'm the worst person in the world to ask. I'm continually amazed when a publication takes off on a new twist in either coverage or design.

So, where are we going? I haven't a clue. Fortunately, I don't think that's a very important question anyway. The really important questions are "Where are we today, here and now?" and "How did we get here from there?"

Based on my experience as a newspaper judge for six or seven states, including my home state, Texas, it is obvious, to me anyway, that most of our problems stem not from some failure to determine where we're going but from a lack of understanding where we are and how we got here.

Let's start at the beginning. Where is here?

This past spring, I surveyed Texas newspaper advisers on their philosophies of student publications. What are you trying to achieve with your publication? This, I figured, would give me a pretty good idea where "here" is.

Overwhelmingly, they responded with "to inform and to entertain."

Who is your primary readership?

Not surprisingly, the answer was "the students." But they were quick to add that the community and the faculty/administration/staff were part of the general audience as well. Adults were treated not only as regulators but as consumers too.

We asked advisers to list "special circumstances" they thought the judge should know in order to rate the publication fairly. Of course, they all listed the various printer's errors. And, Lord knows, printers must be the dumbest people in the world. They were blamed for everything from style and spelling errors ("They never set our corrections") to crooked headlines ("Their wax wasn't strong enough.")

Other excuses:
- Insufficient funds.
- Lack of transportation (Kids aren't old enough to drive.).
- Outdated equipment.
- Blood from turnips. (I can't get these kids to work. They just don't seem to care. I have two good students, but they're already stretched too thin.)
- Censorship, either subtle or blatant.

There were other excuses, but these were the most-often mentioned. Now, given this general environment, let's return to the original statement of purpose: to inform and to entertain. That's where we are. That's what we're trying to do.

Are we?

I'm afraid not. Newspapers are plagued by old news and non-news. One adviser wrote, "But our publication schedule (once a month) won't per-
mit us to print real news. It's always old by the time it comes out."

This is no excuse. The real problem here has nothing whatsoever to do with the publication schedule. The story is old by the time it goes from head to hand to paper. News, in the high school situation, is a matter of angle or approach.

What exactly do we mean by "to inform?"

One adviser wrote, "To cover everyday events. To explain these events. To analyze the consequences of these events." That's about right. We have an obligation to cover club and class activities but only if these groups are involved in newsworthy activities. The mere organization of a group does not necessarily warrant coverage. The fact that the Spanish Club met at Chi-Chi's for lunch, or that the Drama Club met, nodded, blinked and went home does not justify a news brief.

Informing means giving people new information or a twist on the old information. Earlier, I mentioned "non-news." A story on the history of Valentine's Day or Halloween is non-news.

Another example of non-news: Alcohol use is a problem among teenagers. Nationally, 30 percent of the nine-year-olds feel peer pressure to drink. Statistics show that one in three students have tried alcohol before the ninth grade. We have these statistics from this magazine. Or we have those statistics from that magazine. We have a quote from some dude in Washington DC.

But does an alcohol problem exist here? "Well, we don't know. We didn't bother to find out. Grab a beer and let's talk about it."

Are we informing anyone when we tell them that alcohol exists and some teenagers have been seen drinking it? We're not. We're skimming the surface of the news, reporting the bits and pieces of data that have little or nothing to do with the news. Three examples:

**Runaways — Here's what I found:***

"Nationally, one in "n" number of students leave home for reasons unknown. They are runaways. They live in the streets. They turn to prostitution and drugs. They are a smelly lot. If you are thinking about running away from home, think again."

**Mock Weddings — The purpose of these ceremonies is to teach students that marriage is more complicated than saying, "I do." By going through the planning stages, students are expected to appreciate the magnitude of the event. But how were these activities covered?**

"Getting married was so much fun. It was so exciting. It was so neat to see my best friend get married," Missy said.

**Senior Citizens Home — Adjacent to the high school campus, this story could have been a fascinating human interest story. But what information did it provide? "The home has 79 rooms, 4,900 square feet, shag carpet and a television and toilet in every room."

While students showed little hesitation to write about the P&HC and its announced goal of saving society from rock and roll, or about the use of tobacco, pop pills or drugs, about shoplifting, suicide, fake IDs, or teen marriages, they rarely traveled below the surface of the issue. In case after case, issues were covered in the abstract. We'll write about drugs. But we won't write about the drug problems of a specific student in our school. We'll write about the problems of teenage parents, but we won't examine the specific case of Joe and Sally Smith, seniors and parents of little Joe Junior.

Still worse, the in-depth coverage was very trendy: Suicide, drugs, stress. The more complex issues of the day, such as declining oil prices and its affect on public school finance, the crisis on the American farm, and Gramm-Rudman, with its cutbacks in remedial programs, job training, student loans, school lunch programs and day care assistance, were never mentioned.

Now, I realize that in some schools, staffs feel great pressure to avoid so-called controversial topics.

"In a very conservative area, the administration is hesitant to allow publication of controversial topics. For example, an in-depth study of teenage pregnancy was censored this year," one adviser wrote.

Another stated, "Our principal told us to avoid anything that might get him in trouble."

Then, of course, we have the matter of "keeping it positive."

"We are repeatedly told that our publication is negative," an adviser wrote. "The administration has told us to print the positive side of the news. I have been told by an administrator that he would not talk about a controversial topic because it was in the past and he only looked toward the future."

This administrator is probably the guy who censored the pregnancy story. "Look, I won't discuss teen pregnancy. Let's look toward the future. I think it'll be a boy."

Educators like this make dropping-out look good.

"Simply put, we have a principal who will not allow any editorial to be written on a topic pertaining to the school. We've presented editorials on the dress code, the discipline center and other school policies. Each time, I've been told that 1. the editorials are not objective (read: conform to the administration's point of view) 2. the school environment is not the proper place for criticism, 3. the school administration doesn't have to fund the paper, and 4. I don't have to be the sponsor if I can't control the kids."

"Control" is the key word. Given this state of intimidation, it is not surprising that many staffs stifle themselves.

"In a small school, we can't afford to hurt anyone's feelings," one adviser wrote. "We try to please our principal," said another. "We try to be our school's best cheerleader," another added.

Some advisers believe it is the right — even the duty — of the principal to censor, despite judicial rulings to the contrary.

"The principal practices his right to prior review," an adviser wrote.

"I do not define objectionable. What do I discern from all this?"

1. Poor writing and insipid coverage are not objectionable.

2. Editorials or news stories that even hint that something may be amiss in paradise are.

Before moving on, we must look at the other stated purpose of student publications — to entertain. In years past, this meant writing interesting and entertaining features or columns. Today, it means pile upon pile of record, movie and concert reviews, few of which are informing or entertaining.

The other purposes given for student newspapers included:

- To serve as leader via the editorial page.
- To each basic knowledge of the print media.
- To teach business and production methods.
- To serve as a public relations instrument for the school and community.

Oddly enough, I found few references to teaching writing and/or critical thinking skills. Consequently, few publications exhibit a process of working through material and coming to new knowledge. As I said before, far too many of our publications skim the surfaces of issues, shoveling out old news, non-news and statements of the obvious.

Journalism should be an exercise in critical thinking. In the much-acclaimed book, *High School*, Ernest L. Boyer wrote, "Clear writing leads to clear thinking; clear thinking is the basis of clear writing."

Education author James Howard stated, "Writing is an essential means
of learning, and the best reason for writing in school is to learn. But unless the schools recognize and exploit the relationship between writing and learning, literacy in our society will not rise much above the functional level and learning in school will continue to amount to nothing more than the tentative storage of data, most of it unrelated, and much of it trivial."

Recently, the National Assessment of Educational Progress (NAEP) reported that a majority of American students cannot write prose that successfully informs, persuades or entertains (isn't that a consequence), and are writing no better than their peers did a decade ago.

The report stated that 62 to 80 percent of American 17-year-olds demonstrated unsatisfactory overall writing skills. In addition, only 20 percent of the 17-year-olds were able to do an adequate job of persuasive writing and 38 percent produced a detailed essay.

Apprently, many of us do not understand what "good writing" is. Maryland University professor Morris Freedman said good writing cannot be defined in terms of extremes. Unfortunately, many emphasize mechanical precision, where every word is impeccably spelled, all punctuation immaculate, the vocabulary polysyllabic and recondite. Communication of a specific message is given little if any consideration.

At the other extreme, a few emphasize originality and imagination, "grateful to find artillateness, however, uncontrolled, in the usual avalanche of cliches and flatness," Freedman wrote.

Journalism is a combination of creativity and discipline. It must be accurate, grammatically, stylistically and factually. But in its accuracy, it must communicate a message as succinctly and logically as possible. Its purpose is to express an idea, not to impress with fancy words or to appeal to the far reaches of the brain with convoluted sentence structures.

Why is writing important? You may have noticed that jobs on the farms, in the oil patch or in the steel mills aren't all that dependable. No longer can you expect to graduate from high school, pay your union dues and work 35 years for the local heavy industry of your choice. The job market is far more sophisticated. A recent report from a job analyst stated that people with liberal-arts degrees are finding ample job opportunities in high tech industries in purchasing, inventory control, technical writing, graphics, marketing, sales, advertising, public relations, management training and finance.

On a larger scale, you must realize that we're facing a complex and increasingly hostile world. We cannot confront its challenges armed with little more than the cache of cliches offered daily by television. We need to know, to understand what is happening in the Middle East, in Central America and here at home, where the Reagan revolution is built on platitudes regarding the social state.

The role of writing in the development of critical thinking skills must be recognized in our journalism classrooms. Publications can no longer serve as the mirror of the community. Scholarship came into its own in the 1960s, when aggressive students and advisors examined issues such as the Vietnam War, oppressive administrative codes, sexual stereotypes, and racial discrimination. We need to return to that activist attitude. We need to believe that what we have to say is more important than how we dress it up. And we need to say it.

Virtually every report coming out of Washington these days points to a need to bolster critical thinking skills. In its report on student writing, the NAEP report stated "To move beyond the current levels of achievement, a more systematic program of instruction may be needed - one focused more directly on the variety of different kinds of writing students need to learn to do and spanning a wider range of levels of complexity."

Earlier in the year, the Association for Supervision and Curriculum Development announced the formation of a "Collaborative on Thinking. Critical thinking skills are more necessary than ever if students are to be prepared for the future labor market, a coalition statement asserted. Most new job openings will probably be in the information and service fields, it said, and the most attractive and rewarding of these will require well-developed cognitive skills - such as the ability to see relationships, make comparisons, draw inferences, and buttress arguments with fact.

Of course, this has not escaped the eye of the media. Newsweek, in an article on critical thinking, noted that "Some educators worry that the back-to-basics movement - with its emphasis on teaching fundamental skills and stuffing students with facts to pass standardized tests - is creating a generation of students who can't think independently."

Robert Marquand of the Christian Science Monitor wrote, "There are dozens of approaches to teaching critical thinking. The basic need, educators say, is to get students to start questioning the statements made by teacher or textbook. A central tenet: Students should be engaged in an internal dialogue with what they're studying - analyze it from different points of view, make it their own."

Ah, but therein lies the rub. At least as far as student newspapers are concerned, administrators don't particularly want students to think because they cannot be assured of controlling the product of that thinking process. An adviser told me she received a memo from her principal which read, "I want to read positive and certainly not negative articles about me, my staff, my faculty and my school."

Does this sound like an educator who wants students to think, to question, to analyze, to compare, to interpret, to form opinions and defend them?

Quite the opposite, it sounds like a football coach who expects nothing more than blind loyalty. Newsweek summed it up quite well. "Critical thinking should do more than equip students for school, preparing them also for postclassroom life. You have to look at the person's ability to
to use his knowledge in real world context,' says Yale psychology profes
Robert Sternberg, who teaches students about nonverbal clues, as in job
interviews. Meanwhile, it may present their teachers with a 'fuzzy' of their
own: how to retain authority while encouraging students to challenge all
ideas."

That is our dilemma. How do we convince readers — our administrators,
in particular — that what we propose is the sincere product of careful deliberation? First, we must dedicate ourselves to maturity and professionalism. Despite our "special circumstances," we won't be shallow or trivial in our coverage or lazy in our reporting. We dedicate ourselves to an improved school, and if this means rising and discussing problems, then so be it.

But the first step is ours to take. Fortunately, education appears ready to allow us the freedom to achieve these goals. Despite the setbacks, scholastic journalism has suffered as a result of the general "back to basics" movement, the call for improved writing and critical thinking skills. Nevertheless, the results can be spectacular. The partnership needs to be in place at the beginning, however, for the journalism to be of high caliber. An editor who only begins work on a story after it is written is doing but half the job.

Collaboration is more essential than ever as newspapers turn from a
strict budget of conventional news stories to longer, in-depth news
features. The modern reader gets spot news from a number of
sources. Newspapers have responded by increasing the number of depth pieces in their pages, giving readers the sort of insight that only newspapers can offer.

AS A
TEACHER

By WILLIAM McKEEN
College of Journalism
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Journalism is a collaborative art, yet editors and writers seem to be constantly at war. The reporters regard editors as failed writers who derive sadistic pleasure from mutilating copy, and editors think of reporters as incompetent bozos who can't fathom the rudiments of the English language.

Yet when editors and reporters learn to regard each other as partners, the results can be spectacular. The partnership needs to be in place at the beginning, however, for the journalism to be of high caliber. An editor who only begins work on a story after it is written is doing but half the job.

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strict budget of conventional news stories to longer, in-depth news
features. The modern reader gets spot news from a number of sources. Newspapers have responded by increasing the number of depth pieces in their pages, giving readers the sort of insight that only newspapers can offer.

Collaboration between reporters and editors is critical with such articles, and both need to be involved at the genesis of the project.

Unfortunately, that's not always the case. These depth articles usually come about when a reporter has an idea. After some discussion, he sets to work on the piece and after days or (sometimes) weeks of labor, he drops
Student newspaper is censored

HOLMDEL TOWNSHIP, N.J. (AP) — School officials censored a student-run newspaper that ran several stories on sex education which were deemed inappropriate, including one that explained how to use a condom.

Principal Richard White at Holmdel High School said he met with the eight-student editorial board of The Sting on Friday and agreed to allow the paper to publish without the three stories in question on Jan. 2, when classes resume.

Craig LaCava, the newspaper's 18-year-old editor, said the articles were prompted by the 800-student school's inadequate sex education program.

"We get a week of it freshman year, then a good course that lasts several weeks during senior year," LaCava said. "By then it's much, much too late."

"We decided to do this because we think parents should know how uniformed their kids are about these things," he said. "We were very concerned about the pregnancy and abortion rate in our school."

"I had agreed the students had a valid issue," said White. "But one article in particular, on skills and techniques of using a condom, was just inappropriate for a school newspaper."

The articles, one each dealing with sexually transmitted diseases, sex education curriculum and condoms, were described by LaCava as "explicit but accurate."

The newspaper staff had showed the articles to White the previous week, LaCava said, adding he left the meeting feeling that White was shocked but would still allow them to be published.

But on Tuesday, "just before we were going to go to the printer, Dr. White came in and said we wouldn't be allowed to do it," LaCava said. LaCava and his co-editor, 17-year-old M. Liwanag Querijero, decided to take the proofs to the printer despite White's objections.

"We felt strongly enough to defy him," LaCava said.

Bill Sachs, owner of Fast Copy Printing Center in Keyport, where the paper is normally printed, said a school official came to the shop Wednesday and asked him to hand over the proofs. He refused.

About an hour later, he said, he received a call from the school board warning that he could lose his contract if he did not turn over the proofs.

"They made it clear I had to turn them over," he said.

White said no disciplinary action is contemplated against LaCava or Miss Querijero.

The limitations of the sex education courses result from "a sort of combination of political and educational decision-making," he said.

"Parents think teaching kids about sex will promote promiscuity. That's a constant theme we battle."

But the issue of reforming the curriculum is now solidly on the front burner, he said.
Professor supports freedom of the press

BY TINA LIST
Chief Reporter

The trouble with the media is it's been too gentle,” Ingelhart said.

At least according to Louis Ingelhart, professor emeritus of journalism, in an address about freedom of the press Monday night.

“Where the hell was the media when the S&L’s (Savings and Loans) were going belly-up?” he asked.

The basic premise behind his speech was that freedom of the press is one of the most important rights given to every citizen of the United States. Although most people think of freedom of the press as regarding only the print and broadcast media, he said each individual shares that same right given in the Bill of Rights.

“If you don’t like what you’re reading, buy a Macintosh (computer) and go to Pip’s and have them run off 1,000 copies. And go after the people — you have a right to do that,” Ingelhart said.

“More recently, the Supreme Court ruled that lust — oh, this is good news — that lust is a healthy human condition…” Ingelhart said. “Perhaps some people were shocked by the Falwell decision, which ruled that satire, severe and disgusting even, is protected by the First Amendment.”

Besides citing various legal instances and protections for the media, Ingelhart urged support of campus publications.

“Every student should have a copy of his college yearbook, especially if it’s as well done as the Orient is,” he said. “Did you know that the Orient is absolutely the best college yearbook in the entire nation? It’s been judged that over and over again during the last 10 years. If Ball State is concerned about building student and alumni loyalty, it will arrange the financing to put an Orient in each student’s hands each year.

“Incidentally, the Ball State (Daily) News is the only Indiana college newspaper that has been placed in the national Hall of Fame for campus newspapers.”

However, Ingelhart didn’t have only good words for student publications.

“How many times has a student publication at Ball State been sued for libel? Not once — and they get pretty snippy sometimes,” he said.

Ingelhart summed up the address with a few words of advice for non-media people.

“I’m critical of the press and its performance, but I’m supportive of the press and its right to publish. Freedom means freedom — it doesn’t mean control.”
Schools gain power to censor

By Tony Mauro
USA TODAY

School officials have broad power to censor student expression — from newspapers to speech, says the U.S. Supreme Court.

"A school need not tolerate student speech that is inconsistent with its educational mission," wrote Justice Byron White in the ruling Wednesday.

Prospect: The 5-3 ruling, which does not affect college papers, could tame coverage of controversial issues in school papers, sparking a return to '60s-style underground papers.

Among the reaction:

► "Prisoners have more speech rights than high school students," complains journalism professor Louis Ingelhart in Muncie, Ind. "It's tragic to tell young people they have no business writing about controversial issues."

► "The student press is the only voice students have," says Naomi Annandale, editor of a Lakewood, Ohio, school paper.

► The Constitution "doesn't have an age limit," says Leslie Smart, who was an editor of the Hazelwood, Mo., newspaper involved in the case.

From school officials:

► Robert Spillane, superintendent of Fairfax, Va., schools, says, "Principals ought to be able to prevent a hot topic from being inflamed, but the decision won't be used to violate free speech."

► Gwendolyn Gregory of the National School Boards Association, says, "Kids don't have the same rights as everyone else.... They can't vote. They can't drink. There are all sorts of things they can't do."
STUDENT PRESS

No student newspaper exempt from 1st Amendment rights

All forms of the news media have taken the responsibility of informing the public. All forms of news media are protected by the same rights guaranteed by the U.S. Constitution and are subject to the same laws of the United States.

And the only difference between commercial newspapers and student newspapers is turning a profit. If it doesn't rake in the dough, the commercial newspaper could fold, and many have gone under.

In the past, University Senate, for one, has tried to regulate some of the freedoms granted to the student press through a committee designed to resolve grievances brought by the public.

However, this is unconstitutional and should remain unconstitutional.

Today is Freedom of the Student Campus Press Day, and the journalism department is sponsoring a speech tonight by F. Jay Taylor of Louisiana Tech on "Keeping the Campus Press Free at Louisiana Tech."

The Daily News urges students, faculty and administrators to attend this speech in the Student Center Forum Room at 7:30 p.m.

"To the press alone, checkered as it is with abuses, the world is indebted for all the triumphs which have been obtained by reason and humanity over error and oppression," said James Madison.

"Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers and be capable of reading them," said Thomas Jefferson in 1787.

And this is the fight the student press faces day in and day out.

Just last week the Supreme Court said parts of the Constitution can now be legalized by ages. The Court decided high school newspapers do not have the rights of the First Amendment and can be censored by school principals, teachers and school-board members.
Chief justice, students debate censorship ruling

CINCINNATI (AP) — High school students differed with Ohio Supreme Court Chief Justice Thomas Moyer over whether school administrators should have authority to censor student newspapers.

“MY position is, it’s the law of the land,” Moyer said. “You can make arguments either way. I think it’s defendable. ... I think it’s consistent with the authority school superintendents and principals have generally.”

Moyer fielded questions from the Cincinnati-area students, who included student newspaper editors, before the Ohio Supreme Court’s working session Wednesday at the downtown Hamilton County Courthouse.

The court heard oral arguments on four cases, including a Butler County death penalty issue. The justices took the cases under review and are unlikely to issue their decisions for about six weeks, court officials said.

Moyer said he supports the U.S. Supreme Court’s Jan. 13 ruling that gives public school administrators broad power to censor student newspapers and other forms of student expression. The U.S. Supreme Court ruled 5-3 that a Hazelwood, Mo., high school principal did not violate students’ right to free speech by ordering two pages deleted from an issue of a student-produced newspaper.

Some high school newspaper editors who questioned Moyer thought the ruling violated that right.

“I don’t think it’s right to print anything libelous — student newspapers or the public press,” said Jamie Sadler, editor-in-chief of Reading High School’s monthly student newspaper, the Devil’s Advocate. But, she said, “I don’t think that because one administrator doesn’t agree with something ... the whole school shouldn’t hear about it.”

Ann Heile, news editor of the same newspaper, said she is working on a story about teen-age pregnancy, to be published in this month’s edition. She said she has interviewed six students who are pregnant or have given birth, parents and counselors at a crisis center.

“I’m working really hard on it, and I’m going to be pretty upset if it isn’t printed,” she said.

Ms. Sadler said she has had no indication from school administrators that the story would not be approved for publication.

A similar story in 1983 prompted the U.S. Supreme Court case. It dealt with teen-age pregnancy and consisted of personal accounts by three Hazelwood East High School students who became pregnant. Their names were changed to keep their identities secret.

A second banned article in the Missouri case dealt with the effects of divorce on children and quoted from interviews with students. Three Hazelwood East students sued school administrators in an attempt to allow publication of the articles.

Moyer’s court Wednesday heard the appeal of Von Clark Davis, convicted and sentenced to death for the Dec. 12, 1983, fatal shooting of his former girlfriend, Suzette Butler, outside a Hamilton tavern.
High school yearbook adviser under fire

By JOEL HEDGE
Managing Editor

Students are rallying to save a teacher under fire who went against the grain of authority to teach them better.

No, this isn't a review of Robin Williams' movie "Dead Poet's Society," it's a true story from Ben Davis High School in Indianapolis, and some future Ball State students are right in the middle of the action.

Wendy Conquest, who will attend Ball State this fall, and other recent Ben Davis graduates have urged the school board to reappoint Marilyn Athmann as yearbook adviser. The first meeting was Monday, but no action will be taken until the principal returns from Hawaii in two weeks.

Athmann's dismissal from the yearbook fulfills a vow of revenge and is only the most recent effort by Principal James Mifflin to discredit her, said Wendy and her mother Cheri Conquest.

"They (Mifflin and English department head John Schwegman) made big issues out of little things throughout the year just to make her look bad," Wendy Conquest said.

Mifflin has carried a vendetta against Athmann for two school years, Wendy Conquest said. The principal wanted the winning football team to dominate space in the yearbook. The yearbook adviser disagreed with him until the superintendent, Edward Bowes, stopped him from interfering further.

Since then, Mifflin has compiled a file of memos meant to attack her advising ability and describe her as having a poor relationship with other teachers, Cheri Conquest said after viewing the file.

Mifflin told her June 6, the last day of school, that her advising ability and poor relationship with fellow teachers are the two reasons that figured most prominently in her dismissal, the Associated Press reported.

Athmann, who was a yearbook adviser at two other high schools, has received the highest award presented by the National Scholastic Press Association for her yearbooks during 12 of the last 13 years. She also received Ball State's Indiana Scholastic Journalism Award in 1985.

Marilyn Weaver, associate professor of journalism, and Louie Ingelhart, professor emeritus of journalism, both of Ball State, attended the meeting to support Athmann.

Wendy Conquest said the last day of school was picked for Athmann's notification so the matter wouldn't be debated.

"A lot of kids from last year's staff didn't know because it was on the last day. I think that was planned. We were ready to fight before. We'll fight until she gets her position back," Wendy Conquest said.

Cheri Conquest said the superintendent stifled Mifflin two years ago to protect the school's reputation and now he is embarrassed at how the problem has grown.
In a backroom meeting of the Supreme Court—

...so we take away all the rights from kids so by the time they're 18, we can have them so hopelessly brainwashed, they'll never want to speak out!
NOTE. Where it is feasible, a syllabus (headnote) will be released as is being done in connection with this case, as the time the opinion is issued.

The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See United States v.FormItem Lumber Co., 236 U. S. 351, 357.

SUPREME COURT OF THE UNITED STATES

Syllabus

HAZELWOOD SCHOOL DISTRICT ET AL. V.
KUHLMEIER ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT


Respondents, 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, alleging that respondents' First Amendment rights were violated by the deletion from a certain issue of the paper of two pages that included an article describing school students' experiences with pregnancy and another article discussing the impact of divorce on students at the school. The newspaper was written and edited by a journalism class, as part of the school's curriculum. Pursuant to the school's practice, the teacher in charge of the paper submitted page proofs to the school's principal who objected to the pregnancy story because the pregnant students, although not named, might be identified from the text, and because he believed that the article's references to sexual activity and birth control were inappropriate for some of the younger students. The principal objected to the divorce article because the page proofs he was furnished identified by name (deleted by the teacher from the final version) a student who complained of her father's conduct, and the principal believed that the student's parents should have been given an opportunity to respond to the remarks or to consent to their publication. Believing that there was no time to make necessary changes in the articles if the paper was to be issued before the end of the school year, the principal directed that the pages on which they appeared be withheld from publication even though other, unobjectionable articles were included on such pages. The District Court held that no First Amendment violation had occurred. The Court of Appeals reversed.
NOTICE. This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporters of Decisions, Supreme Court of the United States, Washington, D.C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 86-836

HAZELWOOD SCHOOL DISTRICT, ET AL., PETITIONERS v. CATHY KUHLMEIER ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

[January 13, 1988]

JUSTICE WHITE delivered the opinion of the Court.

This case concerns the extent to which educators may exercise editorial control over the contents of a high school newspaper produced as part of the school's journalism curriculum.

I

Petitioners are the Hazelwood School District in St. Louis County, Missouri; various school officials: Robert Eugene Reynolds, the principal of Hazelwood East High School; and Howard Emerson, a teacher in the school district. Respondents are three former Hazelwood East students who were staff members of Spectrum, the school newspaper. They contend that school officials violated their First Amendment rights by deleting two pages of articles from the May 13, 1983, issue of Spectrum.

Spectrum was written and edited by the Journalism II class at Hazelwood East. The newspaper was published every three weeks or so during the 1982-1983 school year. More than 4,500 copies of the newspaper were distributed during that year to students, school personnel, and members of the community.

The Board of Education allocated funds from its annual budget for the printing of Spectrum. These funds were supplemented by proceeds from sales of the newspaper.
printing expenses during the 1982-1983 school year totaled $1,663.50; revenue from sales was $1,166.54. The other costs associated with the newspaper—such as supplies, textbooks, and a portion of the journalism teacher's salary—were borne entirely by the Board.

The Journalism II course was taught by Robert Stergos for most of the 1982-1983 academic year. Stergos left Hazelwood East to take a job in private industry on April 29, 1983, when the May 13 edition of Spectrum was nearing completion, and petitioner Emerson took his place as newspaper adviser for the remaining weeks of the term.

The practice at Hazelwood East during the spring 1983 semester was for the journalism teacher to submit page proofs of each Spectrum issue to Principal Reynolds for his review prior to publication. On May 10, Emerson delivered the proofs of the May 13 edition to Reynolds, who objected to two of the articles scheduled to appear in that edition. One of the stories described three Hazelwood East students' experiences with pregnancy; the other discussed the impact of divorce on students at the school.

Reynolds was concerned that, although the pregnancy story used false names "to keep the identity of these girls a secret," the pregnant students still might be identifiable from the text. He also believed that the article's references to sexual activity and birth control were inappropriate for some of the younger students at the school. In addition, Reynolds was concerned that a student identified by name in the divorce story had complained that her father "wasn't spending enough time with my mom, my sister and I" prior to the divorce, "was always out of town on business or out late playing cards with the guys," and "always argued about everything" with her mother. App. to Pet. for Cert. 38. Reynolds believed that the student's parents should have been given an opportunity to respond to these remarks or to consent to their publication. He was unaware that Emerson
had deleted the student's name from the final version of the article.

Reynolds believed that there was no time to make the necessary changes in the stories before the scheduled press run and that the newspaper would not appear before the end of the school year if printing were delayed to any significant extent. He concluded that his only options under the circumstances were to publish a four-page newspaper instead of the planned six-page newspaper, eliminating the two pages on which the offending stories appeared, or to publish no newspaper at all. Accordingly, he directed Emerson to withhold from publication the two pages containing the stories on pregnancy and divorce. He informed his superiors of the decision, and they concurred.

Respondents subsequently commenced this action in the United States District Court for the Eastern District of Missouri seeking a declaration that their First Amendment rights had been violated, injunctive relief, and monetary damages. After a bench trial, the District Court denied an injunction, holding that no First Amendment violation had occurred. 607 F. Supp. 1450 (1985).

The District Court concluded that school officials may impose restraints on students' speech in activities that are "an integral part of the school's educational function"—including the publication of a school-sponsored newspaper by a journalism class—so long as their decision has "a substantial and reasonable basis." Id., at 1466 (quoting Frasca v. Andrews, 463 F. Supp. 1048, 1052 (EDNY 1979)). The court found that Principal Reynolds' concern that the pregnant students' anonymity would be lost and their privacy invaded was "legitimate and reasonable," given "the small number of

1 The two pages deleted from the newspaper also contained articles on teenage marriage, runaways, and juvenile delinquents, as well as a general article on teenage pregnancy. Reynolds testified that he had no objection to these articles and that they were deleted only because they appeared on the same pages as the two objectionable articles.
pregnant students at Hazelwood East and several identifying characteristics that were disclosed in the article.” 607 F. Supp., at 1466. The court held that Reynolds’ action was also justified “to avoid the impression that [the school] endorses the sexual norms of the subjects” and to shield younger students from exposure to unsuitable material. Ibid. The deletion of the article on divorce was seen by the court as a reasonable response to the invasion of privacy concerns raised by the named student’s remarks. Because the article did not indicate that the student’s parents had been offered an opportunity to respond to her allegations, said the court, there was cause for “serious doubt that the article complied with the rules of fairness which are standard in the field of journalism and which were covered in the textbook used in the Journalism II class.” Id., at 1467. Furthermore, the court concluded that Reynolds was justified in deleting two full pages of the newspaper, instead of deleting only the pregnancy and divorce stories or requiring that those stories be modified to address his concerns, based on his “reasonable belief that he had to make an immediate decision and that there was no time to make modifications to the articles in question.” Id., at 1466.

The Court of Appeals for the Eighth Circuit reversed. 795 F. 2d 1368 (1986). The court held at outset that Spectrum was not only “a part of the school adopted curriculum.” id., at 1373, but also a public forum, because the newspaper was “intended to be and operated as a conduit for student viewpoint.” Id., at 1372. The court then concluded that Spectrum’s status as a public forum precluded school officials from censoring its contents except when “necessary to avoid material and substantial interference with school work or discipline . . . or the rights of others.” Id., at 1374 (quoting Tinker v. Des Moines Independent Community School Dist., 393 U. S. 503, 511 (1969)).

The Court of Appeals found “no evidence in the record that the principal could have reasonably forecast that the cen-
HAZELWOOD SCHOOL DISTRICT v. KUHLMIEER

Sored articles or any materials in the censored articles would have materially disrupted classwork or given rise to substantial disorder in the school." 795 F. 2d. at 1375. School officials were entitled to censor the articles on the ground that they invaded the rights of others, according to the court, only if publication of the articles could have resulted in tort liability to the school. The court concluded that no tort action for libel or invasion of privacy could have been maintained against the school by the subjects of the two articles or by their families. Accordingly, the court held that school officials had violated respondents' First Amendment rights by deleting the two pages of the newspaper.

We granted certiorari, 479 U. S. — (1987), and we now reverse.

II

Students in the public schools do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Tinker, supra, at 506. They cannot be punished merely for expressing their personal views on the school premises—whether "in the cafeteria, or on the playing field, or on the campus during the authorized hours." id., at 512-513—unless school authorities have reason to believe that such expression will "substantially interfere with the work of the school or impinge upon the rights of other students." Id., at 509.

We have nonetheless recognized that the First Amendment rights of students in the public schools "are not automatically coextensive with the rights of adults in other settings." Bethel School District No. 103 v. Fraser, 473 U. S. — (1986), and must be "applied in light of the special characteristics of the school environment." Tinker, supra, at 506; cf. New Jersey v. T. L. O., 469 U. S. 325, 341-343 (1985). A school need not tolerate student speech that is inconsistent with its "basic educational mission." Fraser, supra, at —, even though the government could not censor similar speech outside the school. Accordingly, we held in
Frazier that a student could be disciplined for having delivered a speech that was "sexually explicit" but not legally obscene at an official school assembly, because the school was entitled to "disassociate itself" from the speech in a manner that would demonstrate to others that such vulgarity is "wholly inconsistent with the 'fundamental values' of public school education." Ibid. We thus recognized that "[t]he determination of what manner of speech in the classroom or in school assembly is inappropriate properly rests with the school board," id., at ——, rather than with the federal courts. It is in this context that respondents' First Amendment claims must be considered.

A

We deal first with the question whether Spectrum may appropriately be characterized as a forum for public expression. The public schools do not possess all of the attributes of streets, parks, and other traditional public forums that "time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions." Hague v. CIO, 307 U. S. 496, 515 (1939). Cf. Widmar v. Vincent, 454 U. S. 263, 257–258. n. 5 (1981). Hence, school facilities may be deemed to be public forums only if school authorities have "by policy or by practice" opened those facilities "for indiscriminate use by the general public." Perry Education Assn. v. Perry Local Educators' Assn., 460 U. S. 37, 47 (1983), or by some segment of the public, such as student organizations. Id., at 46. n. 7 (citing Widmar v. Vincent). If the facilities have instead been reserved for other intended purposes, "communicative or otherwise," then no public forum has been created, and school officials may impose reasonable restrictions on the speech of students, teachers, and other members of the school community. Ibid. "The government does not create a public forum by inaction or by permitting limited discourse, but only by intentionally opening a nontraditional forum for pub-
The policy of school officials toward Spectrum was reflected in Hazelwood School Board Policy 348.51 and the Hazelwood East Curriculum Guide. Board Policy 348.51 provided that “[s]chool sponsored publications are developed within the adopted curriculum and its educational implications in regular classroom activities.” App. 22. The Hazelwood East Curriculum Guide described the Journalism II course as a “laboratory situation in which the students publish the school newspaper applying skills they have learned in Journalism I.” Id., at 11. The lessons that were to be learned from the Journalism II course, according to the Curriculum Guide, included development of journalistic skills under deadline pressure, “the legal, moral, and ethical restrictions imposed upon journalists within the school community,” and “responsibility and acceptance of criticism for articles of opinion.” Ibid. Journalism II was taught by a faculty member during regular class hours. Students received grades and academic credit for their performance in the course.

School officials did not deviate in practice from their policy that production of Spectrum was to be part of the educational curriculum and a “regular classroom activity.” The District Court found that Robert Stergas, the journalism teacher during most of the 1982-1983 school year, “both had the authority to exercise and in fact exercised a great deal of control over Spectrum.” 607 F. Supp., at 1453. For example, Stergas selected the editors of the newspaper, scheduled publication dates, decided the number of pages for each issue, assigned story ideas to class members, advised students on the development of their stories, reviewed the use of quotations, edited stories, selected and edited the letters to the editor, and dealt with the printing company. Many of these decisions were made without consultation with the Journalism II students. The District Court thus found it
HAZELWOOD SCHOOL DISTRICT v. KULMEIER

"clear that Mr. Stergos was the final authority with respect to almost every aspect of the production and publication of Spectrum, including its content." Ibid. Moreover, after each Spectrum issue had been finally approved by Stergos or his successor, the issue still had to be reviewed by Principal Reynolds prior to publication. Respondents' assertion that they had believed that they could publish "practically anything" in Spectrum was therefore dismissed by the District Court as simply "not credible." Id., at 1456. These factual findings are amply supported by the record and were not rejected as clearly erroneous by the Court of Appeals.

The evidence relied upon by the Court of Appeals in finding Spectrum to be a public forum, see 795 F. 2d. at 1372-1373, is equivocal at best. For example, Board Policy 348.51, which stated in part that "[s]chool sponsored student publications will not restrict free expression or diverse viewpoints within the rules of responsible journalism." also stated that such publications were "developed within the adopted curriculum and its educational implications." App. 22. One might reasonably infer from the full text of Policy 348.51 that school officials retained ultimate control over what constituted "responsible journalism" in a school-sponsored newspaper. Although the Statement of Policy published in the September 14, 1982 issue of Spectrum declared that "Spectrum, as a student-press publication, accepts all rights implied by the First Amendment," this statement, understood in the context of the paper's role in the school's curriculum, suggests at most that the administration will not interfere with the students' exercise of those First Amendment rights that attend the publication of a school-sponsored newspaper. It does not reflect an intent to expand those rights by converting a curricular newspaper into a public forum. Finally, 3

1 The Statement also cited Tinker v. Des Moines Independent Community School Dist., 393 U. S. 503 (1969), for the proposition that "offensive speech that materially and substantially interferes with the requirements of appropriate discipline" can be found unacceptable and therefore be pro-
that students were permitted to exercise some authority over the contents of Spectrum was fully consistent with the Curriculum Guide objective of teaching the Journalism II students "leadership responsibilities as issue and page editors." App. 11. A decision to teach leadership skills in the context of a classroom activity hardly implies a decision to relinquish school control over that activity. In sum, the evidence relied upon by the Court of Appeals fails to demonstrate the "clear intent to create a public forum." Cornelius, 473 U. S., at 802, that existed in cases in which we found public forums to have been created. See id., at 802-803 (citing Widmar v. Vincent, 454 U. S., at 257; Madison School District v. Wisconsin Employment Relations Comm'n, 429 U. S. 167, 174, n. 6 (1976); Southeastern Promotions, Ltd. v. Conrad, 420 U. S. 546, 555 (1975)). School officials did not evince either "by policy or by practice," Perry Education Assn., 460 U. S., at 47, any intent to open the pages of Spectrum to "indiscriminate use," ibid., by its student reporters and editors, or by the student body generally. Instead, they "reserve[d] the forum for its intended purpos[e]," id., at 46, as a supervised learning experience for journalism students. Accordingly, school officials were entitled to regulate the contents of Spectrum in any reasonable manner. Ibid. It is this standard, rather than our decision in Tinker, that governs this case.

This portion of the Statement does not, of course, even accurately reflect our holding in Tinker. Furthermore, the Statement nowhere expressly extended the Tinker standard to the news and feature articles contained in a school-sponsored newspaper. The dissent apparently finds as a fact that the Statement was published annually in Spectrum; however, the District Court was unable to conclude that the Statement appeared on more than one occasion. In any event, even if the Statement says what the dissent believes that it says, the evidence that school officials never intended to designate Spectrum as a public forum remains overwhelming.
The question whether the First Amendment requires a school to tolerate particular student speech—the question that we addressed in Tinker—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. These activities may fairly be characterized as part of the school 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.¹

Educators are entitled to exercise greater control over this second form of student expression 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 erroneously attributed to the school. Hence, a school may in its capacity as publisher of a school newspaper or producer of a school play “disassociate itself.” Fraser, 475 U. S., at ——, not only from speech that would “substantially interfere with [its] work . . . or impinge upon the rights of other students.” Tinker, 393 U. S., at 509, but also from speech that is, for example, ungrammatical, poorly written, inadequately researched, biased or

¹The distinction that we draw between speech that is sponsored by the school and speech that is not is fully consistent with Papak v. Board of Curators, 410 U. S. 567 (1973) (per curiam), which involved an off-campus “underground” newspaper that school officials merely had allowed to be sold on a state university campus.
prejudiced, vulgar or profane, or unsuitable for immature audiences.' A school must be able to set high standards for the student speech that is disseminated under its auspices— standards that may be higher than those demanded by some newspaper publishers or theatrical producers in the "real" world—and may refuse to disseminate student speech that does not meet those standards. In addition, a school must be able to take into account the emotional maturity of the intended audience in determining whether to disseminate student speech on potentially sensitive topics, which might range from the existence of Santa Claus in an elementary school setting to the particulars of teenage sexual activity in a high school setting. 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." Fraser, supra, at ----, or to associate the school with any position other than neutrality on matters of political controversy. Otherwise, the schools would be unduly constrained from fulfilling their role as "a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment." Brown v. Board of Education, 347 U. S. 483, 493 (1954).

The dissent perceives no difference between the First Amendment analysis applied in Tinker and that applied in Fraser. We disagree. The decision in Fraser rested on the "vulgar," "lewd," and "plainly offensive" character of a speech delivered at an official school assembly rather than on any propensity of the speech to "materially disrupt[ ] classwork or involve[] substantial disorder or invasion of the rights of others." 393 U. S., at 513. Indeed, the Fraser Court cited as "especially relevant" a portion of Justice Black's dissenting opinion in Tinker "disclaim[ing] any purpose . . . to hold that the Federal Constitution compels the teachers, parents and elected school officials to surrender control of the American public school system to public school students." 473 U. S., at ---- (citing 393 U. S., at 522). Of course, Justice Black's observations are equally relevant to the instant case.
Accordingly, we conclude that the standard articulated in
Tinker for determining when a school may punish student ex-
pression need not also be the standard for determining when
a school may refuse to lend its name and resources to the dis-
ssemination 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 pedagogical
concerns.

This standard is consistent with our oft-expressed view
that the education of the Nation's youth is primarily the
responsibility of parents, teachers, and state and local school
officials, and not of federal judges. See, e.g., Board of Edu-
cation of Hendrick Hudson Central School Dist. v. Rowley,
458 U. S. 176, 208 (1982); Wood v. Strickland, 420 U. S. 305,
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 implicate[d]," ibid.,
as to require judicial intervention to protect students' con-
stitutional rights.

1 We therefore need not decide whether the Court of Appeals correctly
construed Tinker as precluding school officials from censoring student
speech to avoid "invasion of the rights of others." 393 U. S., at 513, except
where that speech could result in tort liability to the school.
2 We reject respondents' suggestion that school officials be permitted to
exercise prepublication control over school-sponsored publications only
pursuant to specific written regulations. To require such regulations in
the context of a curricular activity could unduly constrain the ability of
educators to educate. We need not now decide whether such regulations
are required before school officials may censor publications not sponsored
by the school that students seek to distribute on school grounds. See
Baughman v. Fremont, 478 F. 2d 1345 (CA4 1973); Shailer v. North-
west Independent School Dist., Better Cty., Tex. 462 F. 2d 960 (CA5 1972);
3 A number of lower federal courts have similarly recognized that
educators' decisions with regard to the content of school-sponsored news-
We also conclude that Principal Reynolds acted reasonably in requiring the deletion from the May 13 issue of Spectrum of the pregnancy article, the divorce article, and the remaining articles that were to appear on the same pages of the newspaper.

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. Indeed, a teacher at the school credibly testified that she could positively identify at least one of the girls and possibly all three. It is likely that many students at Hazelwood East would have been at least as successful in identifying the girls. Reynolds therefore could reasonably have feared that the article violated whatever pledge of anonymity had been given to the pregnant students. 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 article did not contain graphic accounts of sexual activity. The girls did comment in the article, however, concerning their sexual histories and their use or nonuse of birth control. It was not unreasonable for the principal to have concluded that such frank talk was inappropriate in a

papers, dramatic productions, and other expressive activities are entitled to substantial deference. See, e.g., Nicholson v. Board of Education Torrance Unified School Dist., 682 F. 2d 358 (CA9 1982); Seyfried v. Walton, 668 F. 2d 214 (CA1 1981); Trachtman v. Arker, 565 F. 2d 512 (CA2 1977), cert. denied, 435 U. S. 925 (1978); Frasca v. Andrus, 463 F. Supp. 1043 (EDNY 1979). We need not now decide whether the same degree of deference is appropriate with respect to school-sponsored expressive activities at the college and university level.
school-sponsored publication distributed to 14-year-old freshmen and presumably taken home to be read by students' even younger brothers and sisters.

The student who was quoted by name in the version of the divorce article seen by Principal Reynolds made comments sharply critical of her father. The principal could reasonably have concluded that an individual publicly identified as an inattentive parent—indeed, as one who chose "playing cards with the guys" over home and family—was entitled to an opportunity to defend himself as a matter of journalistic fairness. These concerns were shared by both of Spectrum's faculty advisers for the 1982-1983 school year, who testified that they would not have allowed the article to be printed without deletion of the student's name.

Principal Reynolds testified credibly at trial that, at the time that he reviewed the proofs of the May 13 issue during an extended telephone conversation with Emerson, he believed that there was no time to make any changes in the articles, and that the newspaper had to be printed immediately or not at all. It is true that Reynolds did not verify whether the necessary modifications could still have been made in the articles, and that Emerson did not volunteer the information that printing could be delayed until the changes were made. We nonetheless agree with the District Court that the decision to excise the two pages containing the problematic articles was reasonable given the particular circumstances of this

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1 The reasonableness of Principal Reynolds' concerns about the two articles was further substantiated by the trial testimony of Martin Duggan, a former editorial page editor of the St. Louis Globe Democrat and a former college journalism instructor and newspaper adviser. Duggan testified that the divorce story did not meet journalistic standards of fairness and balance because the father was not given an opportunity to respond, and that the pregnancy story was not appropriate for publication in a high school newspaper because it was unduly intrusive into the privacy of the girl, their parents, and their boyfriends. The District Court found Duggan to be "an objective and independent witness" whose testimony was entitled to significant weight. 607 F. Supp. 1460, 1461 (ED Mo. 1985).
case. These circumstances included the very recent replacement of Stergos by Emerson, who may not have been entirely familiar with Spectrum editorial and production procedures, and the pressure felt by Reynolds to make an immediate decision so that students would not be deprived of the newspaper altogether.

In sum, we cannot reject as unreasonable Principal Reynolds' conclusion that neither the pregnancy article nor the divorce article was suitable for publication in Spectrum. Reynolds 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. Finally, we conclude that the principal's decision to delete two pages of Spectrum, rather than to delete only the offending articles or to require that they be modified, was reasonable under the circumstances as he understood them. Accordingly, no violation of First Amendment rights occurred.

The judgment of the Court of Appeals for the Eighth Circuit is therefore

Reversed.

*It is likely that the approach urged by the dissent would as a practical matter have far more deleterious consequences for the student press than does the approach that we adopt today. The dissent correctly acknowledges "[t]he State's prerogative to dissolve the student newspaper entirely." Ante, at 11. It is likely that many public schools would do just that rather than open their newspapers to all student expression that does not threaten "material[] disruption of[] classwork" or violation of "rights that are protected by law," ante, at 13, regardless of how sexually explicit, racially intemperate, or personally insulting that expression otherwise might be.
SUPREME COURT OF THE UNITED STATES

No. 86-836

HAZELWOOD SCHOOL DISTRICT, ET AL., PETITIONERS v. CATHY KUHLMIEIER ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

[January 13, 1988]

JUSTICE BRENNAN, with whom JUSTICE MARSHALL and JUSTICE BLACKMUN join, dissenting.

When the young men and women of Hazelwood East High School registered for Journalism II, they expected a civics lesson. Spectrum, the newspaper they were to publish, "was not just a class exercise in which students learned to prepare papers and hone writing skills, it was a . . . forum established to give students an opportunity to express their views while gaining an appreciation of their rights and responsibilities under the First Amendment to the United States Constitution . . . ." 795 F. 2d 1368, 1373 (CA8 1986). "[A]t the beginning of each school year," id., at 1372, the student journalists published a Statement of Policy—tacitly approved each year by school authorities—announcing their expectation that "Spectrum, as a student-press publication, accepts all rights implied by the First Amendment . . . . Only speech that 'materially and substantially interferes with the requirements of appropriate discipline' can be found unacceptable and therefore prohibited." App. 26 (quoting Tinker v. Des Moines Independent Community School Dist., 393 U. S. 503, 513 (1969)). The school board itself affirmatively

' The Court suggests that the passage quoted in the text did not "extend[d] the Tinker standard to the news and feature articles contained in a school-sponsored newspaper" because the passage did not expressly mention them. Ante, at ——, n. 1 (slip op. 5-9, n. 9). It is hard to imagine
guaranteed the students of Journalism II an atmosphere conducive to fostering such an appreciation and exercising the full panoply of rights associated with a free student press. "School sponsored student publications," it vowed, "will not restrict free expression or diverse viewpoints within the rules of responsible journalism." App. 22 (Board Policy § 348.51).

This case arose when the Hazelwood East administration breached its own promise, dashing its students' expectations. The school principal, without prior consultation or explanation, excised six articles—comprising two full pages—of the May 13, 1983, issue of Spectrum. He did so not because any of the articles would "materially and substantially interfere with the requirements of appropriate discipline," but simply because he considered two of the six "inappropriate, personal, sensitive, and unsuitable" for student consumption. 795 F. 2d. at 1371.

In my view the principal broke more than just a promise. He violated the First Amendment's prohibitions against censorship of any student expression that neither disrupts classwork nor invades the rights of others, and against any censorship that is not narrowly tailored to serve its purpose.

I

Public education serves vital national interests in preparing the Nation's youth for life in our increasingly complex society and for the duties of citizenship in our democratic Republic. See Brown v. Board of Education, 347 U. S. 483, 493 (1954). The public school conveys to our young the information and tools required not merely to survive in, but to contribute to, civilized society. It also inculcates in tomorrow's leaders the "fundamental values necessary to the main-

The public educator’s task is weighty and delicate indeed. It demands particularized and supremely subjective choices among diverse curricula, moral values, and political stances to teach or inculcate in students, and among various methodologies for doing so. Accordingly, we have traditionally reserved the “daily operation of school systems” to the States and their local school boards.  *Epperson v. Arkansas*, 393 U. S. 97, 104 (1969); see *Board of Education v. Pico*, *supra*, at 533–564. We have not, however, hesitated to intervene where their decisions run afoul of the Constitution. See *e. g., Edwards v. Aguillard*, 482 U. S. 578 (1987) (striking state statute that forbade teaching of evolution in public school unless accompanied by instruction on theory of "creation science");  *Board of Education v. Pico*, *supra* (school board may not remove books from library shelves merely because it disapproves of ideas they express);  *Epperson v. Arkansas*, *supra* (striking state-law prohibition against teaching Darwinian theory of evolution in public school);  *West Virginia Board of Education v. Barnette*, 319 U. S. 624 (1943) (public school may not compel student to salute flag);  *Meyer v. Nebraska*, 262 U. S. 390 (1923) (state law prohibiting the teaching of foreign languages in public or private schools is unconstitutional).

Free student expression undoubtedly sometimes interferes with the effectiveness of the school’s pedagogical functions. Some brands of student expression do so by directly preventing the school from pursuing its pedagogical mission: The young polemic who stands on a soapbox during calculus class to deliver an eloquent political diatribe interferes with the legitimate teaching of calculus. And the student who delivers
a lewd endorsement of a student-government candidate might so extremely distract an impressionable high school audience as to interfere with the orderly operation of the school. See Bethel School Dist. No. 108 v. Fraser, 478 U. S. ___ (1986). Other student speech, however, frustrates the school's legitimate pedagogical purposes merely by expressing a message that conflicts with the school's, without directly interfering with the school's expression of its message: A student who responds to a political science teacher's question with the retort, "Socialism is good," subverts the school's inculation of the message that capitalism is better. Even the maverick who sits in class passively sporting a symbol of protest against a government policy, cf. Tinker, 393 U. S. 503 (1969), or the gossip who sits in the student commons swapping stories of sexual escapade could readily muddle a clear official message condoning the government policy or condemning teenage sex. Likewise, the student newspaper that, like Spectrum, conveys a moral position at odds with the school's official stance might subvert the administration's legitimate inculcation of its own perception of community values.

If mere incompatibility with the school's pedagogical message were a constitutionally sufficient justification for the suppression of student speech, school officials could censor each of the students or student organizations in the foregoing hypotheticals, converting our public schools into "enclaves of totalitarianism." Id., at 511, that "strangle the free mind at its source," West Virginia State Board of Education v. Barnette, supra, at 637. The First Amendment permits no such blanket censorship authority. While the "constitutional rights of students in public school are not automatically coextensive with the rights of adults in other settings." Fraser, supra, at ___, students in the public schools do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Tinker, supra, at 506. Just as the public on the street corner must, in the interest of fostering
"enlightened opinion," Cantwell v. Connecticut, 310 U. S. 296, 310 (1940), tolerate speech that "temp[s] [the listener] to throw [the speaker] off the street," id., at 309, public educators must accommodate some student expression even if it offends them or offers views or values that contradict those the school wishes to inculcate.

In Tinker, this Court struck the balance. We held that official censorship of student expression—there the suspension of several students until they removed their armbands protesting the Vietnam War—is unconstitutional unless the speech "materially disrupts classwork or involves substantial disorder or invasion of the rights of others . . . ." Tinker, 393 U. S., at 513. School officials may not suppress "silent, passive expression of opinion, unaccompanied by any disorder or disturbance on the part of" the speaker. Id., at 508. The "mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint," id., at 509. or an unsavory subject. Fraser, supra, at — (BRENNAN, J., concurring in judgment), does not justify official suppression of student speech in the high school.

This Court applied the Tinker test just a Term ago in Fraser, supra, upholding an official decision to discipline a student for delivering a lewd speech in support of a student-government candidate. The Court today casts no doubt on Tinker's vitality. Instead it erects a taxonomy of school censorship, concluding that Tinker applies to one category and not another. On the one hand is censorship "to silence a student's personal expression that happens to occur on the school premises." Ante, at — (slip op. 10). On the other hand is censorship of expression that arises in the context of "school-sponsored . . . expressive activities that students, parents, and members of the public might reasonably perceive to bear the imprimatur of the school." Ibid.

The Court does not, for it cannot, purport to discern from our precedents the distinction it creates. One could, I suppose, readily characterize the Tinkers' symbolic speech as
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"personal expression that happens to [have] occurred] on school premises," although Tinker did not even hint that the personal nature of the speech was of any (much less dispositive) relevance. But that same description could not by any stretch of the imagination fit Fraser's speech. He did not just "happen" to deliver his lewd speech to an ad hoc gathering on the playground. As the second paragraph of Fraser evinces, if ever a forum for student expression was "school-sponsored," Fraser's was:

"Fraser . . . delivered a speech nominating a fellow student for student elective office. Approximately 600 high school students . . . attended the assembly. Students were required to attend the assembly or to report to study hall. The assembly was part of a school-sponsored educational program in self-government."

Fraser, 478 U. S., at — (emphasis added).

Yet, from the first sentence of its analysis, see id., at —, Fraser faithfully applied Tinker.

Nor has this Court ever intimated a distinction between personal and school-sponsored speech in any other context. Particularly telling is this Court's heavy reliance on Tinker in two cases of First Amendment infringement on state college campuses. See Papish v. University of Missouri Board of Curators, 410 U. S. 667, 671, n. 6 (1973) (per curiam); Healy v. James, 408 U. S. 169, 180, 189, and n. 18, 191 (1972). One involved the expulsion of a student for lewd expression in a newspaper that she sold on campus pursuant to university authorization, see Papish, supra, at 667-663, and the other involved the denial of university recognition and concomitant benefits to a political student organization. see Healy, supra, at 174, 176, 151-182. Tracking Tinker's analysis, the Court found each act of suppression unconstitutional. In neither case did this Court suggest the distinction, which the Court today finds dispositive, between school-sponsored and incidental student expression.
II

Even if we were writing on a clean slate, I would reject the Court's rationale for abandoning Tinker in this case. The Court offers no more than an obscure tangle of three excuses to afford educators "greater control" over school-sponsored speech than the Tinker test would permit: the public educator's prerogative to control curriculum; the pedagogical interest in shielding the high school audience from objectionable viewpoints and sensitive topics; and the school's need to dissociate itself from student expression. Ante, at — (slip op. 10). None of the excuses, once disentangled, supports the distinction that the Court draws. Tinker fully addresses the first concern; the second is illegitimate; and the third is readily achievable through less oppressive means.

A

The Court is certainly correct that the First Amendment permits educators "to assure that participants learn whatever lessons the activity is designed to teach . . . ." Ante, at — (slip op. 10). That is, however, the essence of the Tinker test, not an excuse to abandon it. Under Tinker, school officials may censor only such student speech as would "materially disrupt[]" a legitimate curricular function. Manifestly, student speech is more likely to disrupt a curricular function when it arises in the context of a curricular activity—one that "is designed to teach" something—than when it arises in the context of a noncurricular activity. Thus, under Tinker, the school may constitutionally punish the budding political orator if he disrupts calculus class but not if he holds his tongue for the cafeteria. See Consolidated Edison Co. v. Public Service Comm'n, 447 U. S. 530, 544-545 (1980) (Stevens, J., concurring in judgment). That is not because some more stringent standard applies in the curricular context. (After all, this Court applied the same standard whether the Tinkers wore their armbands to the "classroom" or the "cafeeteria." 393 U. S., at 512.) It is because student
speech in the noncurricular context is less likely to disrupt materially any legitimate pedagogical purpose.

I fully agree with the Court that the First Amendment should afford an educator the prerogative not to sponsor the publication of a newspaper article that is “ungrammatical, poorly written, inadequately researched, biased or prejudiced,” or that fails short of the “high standards for . . . student speech that is disseminated under [the school’s] auspices . . . .” Ante, at — (slip op. 10). But we need not abandon Tinker to reach that conclusion; we need only apply it. The enumerated criteria reflect the skills that the curricular newspaper “is designed to teach.” The educator may, under Tinker, constitutionally “censor” poor grammar, writing, or research because to reward such expression would “materially disrupt[ ]” the newspaper’s curricular purpose.

The same cannot be said of official censorship designed to shield the audience or dissociate the sponsor from the expression. Censorship so motivated might well serve (although, as I demonstrate infra, at ————, cannot legitimately serve) some other school purpose. But it in no way furthers the curricular purposes of a student newspaper, unless one believes that the purpose of the school newspaper is to teach students that the press ought never report bad news, express unpopular views, or print a thought that might upset its sponsors. Unsurprisingly, Hazelwood East claims no such pedagogical purpose.

The Court relies on bits of testimony to portray the principal’s conduct as a pedagogical lesson to Journalism II students who “had not sufficiently mastered those portions of the . . . curriculum that pertained to the treatment of controversial issues and personal attacks, the need to protect the privacy of individuals . . . , and the legal, moral, and ethical restrictions imposed upon journalists . . . .” Ante, at — (slip op. 15). In that regard, the Court attempts to justify censorship of the article on teenage pregnancy on the basis of the principal’s judgment that (1) “the [pregnant] students’
anonymity was not adequately protected," despite the article's use of aliases; and (2) the judgment "that the article was not sufficiently sensitive to the privacy interests of the students' boyfriends and parents . . . ." Ante, at — (slip op. 13). Similarly, the Court finds in the principal's decision to censor the divorce article a journalistic lesson that the author should have given the father of one student an "opportunity to defend himself" against her charge that (in the Court's words) he "chose 'playing cards with the guys' over home and family . . . ." Ante, at — (slip op. 14).

But the principal never consulted the students before censoring their work. "[T]hey learned of the deletions when the paper was released . . . ." 795 F. 2d, at 1371. Further, he explained the deletions only in the broadest of generalities. In one meeting called at the behest of seven protesting Spectrum staff members (presumably a fraction of the full class), he characterized the articles as "too sensitive for our immature audience of readers," 607 F. Supp. 1450, 1459 (ED Mo. 1985), and in a later meeting he deemed them simply "inappropriate, personal, sensitive and unsuitable for the newspaper," ibid. The Court's supposition that the principal intended (or the protesters understood) those generalities as a lesson on the nuances of journalistic responsibility is utterly incredible. If he did, a fact that neither the District Court nor the Court of Appeals found, the lesson was lost on all but the psychic Spectrum staffers.

The Court's second excuse for deviating from precedent is the school's interest in shielding an impressionable high school audience from material whose substance is "unsuitable for immature audiences." Ante, at — (slip op. 10) (footnote omitted). Specifically, the majority decrees that we must afford educators authority to shield high school students from exposure to "potentially sensitive topics" (like "the particulars of teenage sexual activity") or unacceptable
social viewpoints (like the advocacy of "irresponsible se[x] or conduct otherwise inconsistent with the shared values of a civilized social order"”) through school-sponsored student activities. Id., at — (slip op. 11) (citation omitted).

Tinker teaches us that the state educator’s undeniable, and undeniably vital, mandate to inculcate moral and political values is not a general warrant to act as “thought police” stifling discussion of all but state-approved topics and advocacy of all but the official position. See also Epperson, 393 U. S. 97 (1968); Meyer, 262 U. S. 390 (1923). Otherwise educators could transform students into “closed-circuit recipients of only that which the State chooses to communicate,” Tinker, 393 U. S., at 511, and cast a perverse and impermissible “pall of orthodoxy over the classroom,” Keyishian v. Board of Regents, 385 U. S. 589, 603 (1967). Thus, the State cannot constitutionally prohibit its high school students from recounting in the locker room “the particulars of [their] teen-age sexual activity,” nor even from advocating “irresponsible se[x]” or other presumed abominations of “the shared values of a civilized social order.” Even in its capacity as educator the State may not assume an Orwellian “guardianship of the public mind,” Thomas v. Collins, 323 U. S. 516, 545 (1945) (Jackson, J., concurring).

The mere fact of school sponsorship does not, as the Court suggests, license such thought control in the high school, whether through school suppression of disfavored viewpoints or through official assessment of topic sensitivity.1 The for-

1The Court quotes language in Bethel School Dist. v. Frager, 478 U. S. — (1986), for the proposition that “[t]he determination of what manner of speech in the classroom or in school assembly is inappropriate property rests with the school board.” Ante, at — (slip op. 6) (quoting 478 U. S., at —). As the discussion immediately preceding that quotation makes clear, however, the Court was referring only to the appropriateness of the manner in which the message is conveyed, not of the message’s content. See, e.g., Frager, 478 U. S., at — (“the fundamental values necessary to the maintenance of a democratic political system” disfavor the use of terms of debate highly offensive or highly threatening to others”). In
mer would constitute unabashed and unconstitutional viewpoint discrimination, see Board of Education v. Pico, 457 U. S., at 878–879 (BLACKMUN, J., concurring in part and concurring in judgment), as well as an impermissible infringement of the students' "right to receive information and ideas," id., at 867 (plurality opinion) (citations omitted); see First National Bank v. Bellotti, 435 U. S. 165, 183 (1978).

Just as a school board may not purge its state-funded library of all books that "offen[d] [its] social, political and moral tastes," 457 U. S., at 858–859 (plurality opinion) (citation omitted), school officials may not, out of like motivation, discriminatorily excise objectionable ideas from a student publication. The State's prerogative to dissolve the student newspaper entirely (or to limit its subject matter) no more entitles it to dictate which viewpoints students may express on its pages, than the State's prerogative to close down the schoolhouse entitles it to prohibit the nondisruptive expression of antiwar sentiment within its gates.

Official censorship of student speech on the ground that it addresses "potentially sensitive topics" is, for related reasons, equally impermissible. I would not begrudge an educator the authority to limit the substantive scope of a school-sponsored publication to a certain, objectively definable topic, such as literary criticism, school sports, or an overview of the school year. Unlike those determinate limitations, "potential topic sensitivity" is a vaporous nonstan-

...
dard—like "public welfare, peace, safety, health, decency, good order, morals or convenience," Shuttlesworth v. Birmingham, 394 U. S. 147, 150 (1969), or "general welfare of citizens," Staub v. Baxley, 355 U. S. 313, 322 (1958)—that invites manipulation to achieve ends that cannot permissibly be achieved through blatant viewpoint discrimination and chills student speech to which school officials might not object. In part because of those dangers, this Court has consistently condemned any scheme allowing a state official boundless discretion in licensing speech from a particular forum. See, e. g., Shuttlesworth v. Birmingham, supra, at 150-151, and n. 2; Cox v. Louisiana, 379 U. S. 536, 557-558 (1964); Staub v. Baxley, supra, at 322-324.

The case before us aptly illustrates how readily school officials (and courts) can camouflage viewpoint discrimination as the "mere" protection of students from sensitive topics. Among the grounds that the Court advances to uphold the principal's censorship of one of the articles was the potential sensitivity of "teenage sexual activity." Ante, at —— (slip op. 11). Yet the District Court specifically found that the principal "did not, as a matter of principle, oppose discussion of said topic(s) in Spectrum." 607 F. Supp., at 1467. That much is also clear from the same principal's approval of the "squeal law" article on the same page, dealing forthrightly with "teenage sexuality," "the use of contraceptives by teenagers," and "teenage pregnancy," App. 4-5. If topic sensitivity were the true basis of the principal's decision, the two articles should have been equally objectionable. It is much more likely that the objectionable article was objectionable because of the viewpoint it expressed: It might have been read (as the majority apparently does) to advocate "irresponsible sex." See ante, at —— (slip op. 11).

C

The sole concomitant of school sponsorship that might conceivably justify the distinction that the Court draws between
sponsored and nonsponsored student expression is the risk "that the views of the individual speaker [might be] erroneously attributed to the school." Ante, at — (slip op. 10). Of course, the risk of erroneous attribution inheres in any student expression, including "personal expression" that, like the Tinkers' armbands, "happens to occur on the school premises," ante, at — (slip op. 10). Nevertheless, the majority is certainly correct that indicia of school sponsorship increase the likelihood of such attribution, and that state educators may therefore have a legitimate interest in dissociating themselves from student speech.

But "[e]ven though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved." Keyishian v. Board of Regents, 385 U. S., at 602 (quoting Shelton v. Tucker, 364 U. S. 479, 488 (1960)). Dissociative means short of censorship are available to the school. It could, for example, require the student activity to publish a disclaimer, such as the "Statement of Policy" that Spectrum published each school year announcing that "[a]ll . . . editorials appearing in this newspaper reflect the opinions of the Spectrum staff, which are not necessarily shared by the administrators or faculty of Hazelwood East." App. 26; or it could simply issue its own response clarifying the official position on the matter and explaining why the student position is wrong. Yet, without so much as acknowledging the less oppressive alternatives, the Court approves of brutal censorship.

III

Since the censorship served no legitimate pedagogical purpose, it cannot by any stretch of the imagination have been designed to prevent "material disruption of classwork." Tinker, 393 U. S., at 513. Nor did the censorship fall within the category that Tinker described as necessary to prevent student expression from "invading] the rights of others."
ibid. If that term is to have any content, it must be limited to rights that are protected by law. "Any yardstick less exacting than [that] could result in school officials curtailing speech at the slightest fear of disturbance," 795 F. 2d, at 1376, a prospect that would be completely at odds with this Court's pronouncement that the "undifferentiated fear or apprehension of disturbance is not enough [even in the public-school context] to overcome the right to freedom of expression." Tinker, supra, at 506. And, as the Court of Appeals correctly reasoned, whatever journalistic impropriety these articles may have contained, they could not conceivably be tortious, much less criminal. See 795 F. 2d, at 1375-1376.

Finally, even if the majority were correct that the principal could constitutionally have censored the objectionable material, I would emphatically object to the brutal manner in which he did so. Where "[t]he separation of legitimate from illegitimate speech calls for more sensitive tools" Speiser v. Randall, 357 U. S. 513, 525 (1958); see Keyishian v. Board of Regents, supra, at 502, the principal used a paper shredder. He objected to some material in two articles, but excised six entire articles. He did not so much as inquire into obvious alternatives, such as precise deletions or additions (one of which had already been made), rearranging the layout, or delaying publication. Such unthinking contempt for individual rights is intolerable from any state official. It is particularly insidious from one to whom the public entrusts the task of inculcating in its youth an appreciation for the cherished democratic liberties that our Constitution guarantees.

IV

The Court opens its analysis in this case by purporting to reaffirm Tinker's time-tested proposition that public school students "do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Ante, at ___ (slip op. 5) (quoting Tinker, supra, at 506). That is an ironic introduction to an opinion that denudes high school stu-
dents of much of the First Amendment protection that Tinker itself prescribed. Instead of “teach[ing] children to respect the diversity of ideas that is fundamental to the American system,” Board of Education v. Pico, 457 U. S., at 880 (BLACKMUN, J., concurring in part and concurring in judgment), and “that our Constitution is a living reality, not parchment preserved under glass,” Stanley v. Northeast Independent School Dist. Bexar Cty., Tex., 462 F. 2d 960, 972 (CA5 1972), the Court today “teach[es] youth to discount important principles of our government as mere platitudes.” West Virginia State Board of Education v. Barnette, 319 U. S., at 637. The young men and women of Hazelwood East expected a civics lesson, but not the one the Court teaches them today.

I dissent.
HAZELWOOD SCHOOL DISTRICT v. KUHLMEIER

Syllabus

Heid: Respondents' First Amendment rights were not violated. Pp. 5-15.
(a) First Amendment rights of students in the public schools are not automatically coextensive with the rights of adults in other settings, and must be applied in light of the special characteristics of the school environment. A school need not tolerate student speech that is inconsistent with its basic educational mission, even though the government could not censor similar speech outside the school. Pp. 5-6.
(b) The school newspaper here cannot be characterized as a forum for public expression. School facilities may be deemed to be public forums only if school authorities have by policy or by practice opened the facilities for indiscriminate use by the general public, or by some segment of the public, such as student organizations. If the facilities have instead been reserved for other intended purposes, communicative or otherwise, then no public forum has been created, and school officials may impose reasonable restrictions on the speech of students, teachers, and other members of the school community. The school officials in this case did not deviate from their policy that the newspaper's production was to be part of the educational curriculum and a regular classroom activity under the journalism teacher's control as to almost every aspect of publication. The officials did not evince any intent to open the paper's pages to indiscriminate use by its student reporters and editors, or by the student body generally. Accordingly, school officials were entitled to regulate the paper's contents in any reasonable manner. Pp. 6-9.
(c) The standard for determining when a school may punish student expression that happens to occur on school premises is not the standard for determining when a school may refuse to lend its name and resources to the dissemination of student expression. Tinker v. Des Moines Independent Community School Dist., 393 U.S. 503, distinguished. 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 pedagogical concerns. Pp. 9-12.
(d) The school principal acted reasonably in this case in requiring the deletion of the pregnancy article, the divorce article, and the other articles that were to appear on the same pages as the newspaper. Pp. 13-15.

756 F. 2d 1366, reversed.

WHITF. J., delivered the opinion of the Court, in which REHNQUIST, C. J., and STEVENS, O'CONNOR, and SCALIA, J., joined. BRENNAN, J., filed a dissenting opinion, in which MARSHALL and BLACKMUN, J., joined.