

Hazelwood v. Kuhlmeier / What Would You Do?— Answer Key

Directions:

Pretend you work on a high school newspaper and it is your job to decide whether to publish articles. Assume you live in a state that has not passed “anti-Hazelwood” legislation extending greater First Amendment protection to school newspapers than that afforded by *Hazelwood*.

Below are brief descriptions of six articles you might receive.

Keeping in mind the Supreme Court’s decision in *Hazelwood*, work in a small group to discuss the following questions for each of the articles:

1. Will you publish the article? Why or why not?
2. Do you think your school’s administration would want to censor this article? Why or why not?

Be prepared to discuss your answers with the rest of the class.

1. Following a drug arrest at your school, a student writes a first-person account of how their friend got arrested. In the article, they admit to some activities that are in violation of school rules and state law. They criticize both the police and the security guards at your school. They do not want the article published anonymously.
 - a. Will you publish the article? Why or why not?
Student answers will vary. Students who decide to publish the article might argue that the police and security guards are sometimes unfair, so this opinion needs to be heard. Those who prefer not to publish the article might say that what the student did was illegal and that the school needs to protect the privacy of the accused.
 - b. Do you think your school’s administration would want to censor this article? Why or why not?
Student answers will vary. Printing this article, which includes mention of illegal activities, may be seen as endorsing those activities, which the school does not need to do under *Hazelwood*. Furthermore, the article presents only one opinion on the issue; a school paper should provide more balanced coverage. This is “a legitimate pedagogical concern.”
2. Reporters from your paper write an article based on a commercial website on which students post their ratings of their teachers. The article includes sample comments on teachers in your school, both positive and negative. The negative comments include: “If you get this teacher, run for the parking lot!”; “Can’t teach their way out of a paper bag.”; and “This teacher had an affair with another teacher (not named).” The teachers are named.

- a. Will you publish the article? Why or why not?

Student answers will vary. Students who decide to publish this article might argue that it is acceptable to write about something that is happening in the school community and is already accessible to the public on the website, so long as the article makes clear that the comments on the website are not necessarily the truth, but simply opinions, so long as "the views of the individual speaker are not erroneously attributed to the school". Those who argue against it might say that it could be slanderous and that a school paper needs to present the other side of the story in order to provide more balanced coverage.

- b. Do you think your school's administration would want to censor this article? Why or why not?

Student answers will vary. Some may say that the administration could argue that by providing coverage to the website, they are, in a sense, endorsing it, or lending their name to it.

3. A reporter for your paper writes a long article about the problem of drug use in your school. The reporter interviews several students about their use of marijuana but does not use names or other personal details that could help identify the students. The article makes it clear that marijuana use is widespread in your school.

- a. Will you publish the article? Why or why not?

Student answers will vary. Students who decide to publish this article might argue that marijuana use is a legitimate problem in the school and that by exposing it as such; they will make administrators aware of it and will thus be able to help resolve it. In addition, the article was well written, well researched, and did not name students or give identifying details. Those who argue against it might say that the school must make sure "that readers or listeners are not exposed to material that may be inappropriate for their level of maturity."

- b. Do you think your school's administration would want to censor this article? Why or why not?

Student answers will vary. Students may cite that, "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.'"

4. Reporters for your paper discover that the star quarterback for your football team does not live within the boundaries of the school. They write an article exposing this fact and, of course, naming the quarterback. The consequences of publishing this article will include forfeiting all the wins from your school's football season, which is just ending with a good shot at winning the state championship.

- a. Will you publish the article? Why or why not?

Student answers will vary. Students who decide to publish this article might argue that the story is factual and was well researched and well written. There is "no valid educational purpose" for not publishing it. Those who argue against it might say that having to forfeit all of the games that the school won would cause a significant disruption and a huge decrease in morale.

- b. Do you think your school's administration would want to censor this article? Why or why not?

Student answers will vary. This story presents a "legitimate pedagogical concern." Further, the story might be said to invade the privacy of a named student. And, if it is untrue, the paper and the school may be exposed to liability.

5. A teacher approaches a reporter for your paper with an article about cheating being tolerated in your school, but the teacher will not agree to have their name used in the article. The teacher caught a student cheating on a final exam and gave the student a zero. This failing grade on the final exam resulted in the student, a senior, being ineligible to participate in the school musical, in which they were scheduled to play the lead part. The student's parents pressured the principal to overturn the grade and the principal did so. Publishing the article would, of course, reveal the identity of the student involved but not the teacher.

- a. Will you publish the article? Why or why not?

Student answers will vary. Students who decide to publish this article might argue that cheating is an issue of major concern and that by exposing it as such; they will make administrators aware of it and will thus be able to help resolve it. Those who argue against it might say that by publishing it, they will violate the privacy rights of the student, who could clearly be identified by virtue of his/her leading role in the school musical.

- b. Do you think your school's administration would want to censor this article? Why or why not?

Student answers will vary. If the student has not been named in the article, then the student probably did not have a chance to respond (in the paper) to the teacher's accusations. Publishing the article would not be responsible, as a balanced viewpoint has not been presented.

6. There are high-stakes standardized tests given in your school every May. In order to graduate, students must pass these tests. Students have told your reporters that other students obtained a copy of the test in advance from a teacher. The students involved agree to tell what happened if none of the names of any of the parties involved would appear in the article.

- a. Will you publish the article? Why or why not?

Student answers will vary. Students who decide to publish this article might argue that the story is factual and was well researched and well written. There is "no valid educational purpose" for not publishing it. Those who argue against it might say the teacher and the accused students were not given a chance to answer the allegations of the anonymous whistle-blowers, so the reporting was not balanced.

- b. Do you think your school's administration would want to censor this article? Why or why not?

Student answers will vary. Those who think the school administration would want to censor this article may cite that publishing it might result in teachers being questioned and student scores being invalidated, which could cause a substantial disruption in the school.