WIDENER UNIVERSITY

Delaware Law School

Summer Advantage Program 2019

Orientation Schedule and Reading Assignments

for May 28 and May 29, 2019

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SECTION I: SCHEDULE OF ORIENTATION SESSIONS

Tuesday, May 28*

10:00 a.m. – 6:00 p.m. Registration (Admissions Office)

5:15 p.m. – 6:00 p.m. Light Dinner Fare

6:00 p.m. – 6:20 p.m. Welcoming Remarks

6:20 p.m. – 7:10 p. m. Financial Aid Workshop

7:10 p.m. – 7:20 p.m. Break

7:20 p.m. – 9:20 p.m. Substantive Orientation

- Setting the stage: court systems and federalism
- Introduction to case reading and briefing

Wednesday, May 29*

6:00 – 8:00 p.m. Substantive Orientation, continued:

- Case reading and briefing continued
- Introduction to Westlaw
- The keys to successful law school exam preparation
- Introduction to law school essay exams

*Please note that attendance is required at the Orientation sessions on May 28th and 29th. A record of attendance is kept for all law school courses, including the Orientation program.

SECTION II: INTRODUCTION

Many students find law school to be different from other academic experiences: the subject matter may be new, the workload is heavy, and the vocabulary is often unfamiliar. Even the testing and grading processes in law school are different from processes employed in many other educational settings. The Orientation program is designed to introduce new law students to the unique features of a law school education and help ease the transition into the study of law.

Students who complete the Summer Advantage Program Orientation are invited – but not required -- to attend all of the Orientation sessions being held for the rest of the incoming class on August 13 – 15, 2019. This is up to you and will depend on whether you would like a refresher on the skills we will

cover on May 28th and 29th. Please note, however, that all students, including students in the Summer Advantage Program, are required to attend the Orientation sessions that will be held on August 13, 2019; the sessions that day will not have been covered in the Summer Advantage Program Orientation.

SECTION III: ORIENTATION READING ASSIGNMENTS

a. Readings to Complete for Orientation on May 28th, 2019

You have two reading assignments to complete before the orientation on Tuesday, May 28, 2019. First, please read chapters 1 through 4 of Tracey George & Suzanna Sherry, What Every Law Student *Really* Needs to Know: An Introduction to the Study of Law, 2d ed. You may purchase the George & Sherry text from any online book vendor. This book provides a common body of knowledge useful for all students in the first semester of law school. The second assignment for May 28th is to read pages 1 – 12 in this packet, through Section IV below (including the Tinker case), and prepare to discuss those materials in class.

b. Work to Complete for Orientation on May 29, 2019

The assignment for Orientation on May 29th is to read the Hazelwood case in Section V below (pages 13 – 16 in this packet), and to brief that case in preparation for class discussion. You may use the case briefing chart included in this packet on pp 6 - 8 for this purpose.

c. Professional Ethics in Law School: Duties of Competence and Diligence

Competence and diligence are foundations of the practice of law as a profession.[1] Competence requires knowledge of the law, skill in using that knowledge, and thorough preparation. Law students are expected, therefore, to read the materials assigned for each class and to prepare to address those materials in class. Initially this may be daunting, but it will come more naturally as your studies progress. In the meantime, remember that professional diligence requires a lawyer "to pursue a matter . . . despite opposition, obstruction, or personal inconvenience . . . ."[2] You can do this. Consider at how many others have done so.

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[1] Rule 1.1 of the American Bar Association's Model Rules of Professional Conduct provides: "A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." Model Rule 1.3 provides: "A lawyer shall act with reasonable diligence and promptness in representing a client." Most States have used the ABA's Model Rules as a template.

[2] Model Rules of Professional Conduct 1.3, Comment [1].

SECTION IV: ACTIVE CASE READING AND ANALYSIS

Legal education experts agree that strong **active reading skills** are particularly useful for successful performance in law school. In a variety of ways, active readers engage with readings more deeply than passive readers. Active reading requires a larger investment of time, but that investment tends to pay dividends on exams: studies have shown that active reading strategies correlate to better grades in law school.[3]

Because many law school subjects are taught through reading and discussing judicial opinions ("cases"), the substantive Orientation session on May 28th will introduce you to active reading strategies and techniques as a means of reading cases effectively. To begin to develop your competence in analyzing cases for meaning and utility, we will apply active reading skills to the two cases in this packet, which address the concept of free speech rights of students in public schools. In particular, we will highlight the process of creating a *case brief*, an active reading strategy that you will continue to hone throughout the first year of law school.

a. Active Reading Strategies

A basic process for active reading includes: (1) pre-reading strategies, (2) strategies while reading, and (3) post-reading strategies. Each step is described below.

1. Pre-Reading Strategies

First, before reading a text, an active reader has a *purpose* for the reading. To set a purpose, active readers use *prediction* and *goal setting*. An active reader takes a moment to predict what the reader might get from reading certain materials. What is the case about and why has my professor assigned the reading? During the semester you also might consider how a new reading fits with material previously assigned and discussed.

One can use *context clues* such as headings on a course syllabus, a book's table of contents, or notes and questions following a case[4] in a course text for prediction. Or, if more than one case is assigned on a single topic, such as the two cases on free speech in public schools that follow, one might predict that the second opinion addresses a different type of free speech issue within public schools.

Before reading, you should set a *goal* for the reading based on the predictions made. For example, with respect to the two cases on free speech: "When I am finished reading these cases, I will be able to recognize when there is a free speech violation in a public school." Or, "When I am finished reading these cases, I will understand how the free speech rights of students in public schools are different from the free speech rights of others."

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[3] See, e.g., Leah M. Christensen, Legal Reading and Success in Law School: An Empirical Study, 30 Seattle U. L. Rev 603 (2007).

[4] In many law school text books, a court opinion often is followed by notes and questions providing additional information about the issues addressed in the opinion and raising concerns about the opinion. No rule of law, physics or good nutrition, however, prohibits you from scanning the notes and questions before reading the court opinion.

2. Strategies *While* Reading

While reading a judicial opinion, you should read with your "purpose(s)" in mind. You are not just reading the court's words; you are searching for certain types of information to fulfill your purposes. For example, you may be looking for the Court's words describing how to evaluate whether there has been a free speech violation in a public school. You also should research vocabulary that is new to you. Finally, you should work to understand parts of the opinion you initially find confusing before continuing with your reading of the remaining parts of the opinion. If a particular part of an opinion remains indecipherable on first reading, you could try reading the remainder of the opinion to see if the context of the whole helps to understand how the difficult part fits.[5]

"Briefing" a case is a critical active reading strategy for new law students. Creating a written "brief" of a court opinion provides a *framework* for understanding the new information in an opinion by helping to sort the information into categories useful to a competent lawyer. The sorting will not only help you absorb and recall new information, it also will help you understand how you might competently use the new information. Much of class time during the first year will be devoted to refining your ability to construct such frameworks necessary for professional competence. The skills developed in creating case briefs are vital for class preparation, exam preparation, and for much of the legal analysis lawyers do.

3. Post-Reading Assessment

When you finish reading cases, you should assess whether your predictions for the reading were correct and whether you accomplished your purposes for the reading. For example, can you articulate how to determine whether there has been a free speech violation in a public school? Are you able to identify the material facts each Court identified in determining whether there has been a free speech violation? (If a client came to you with a personal story similar to that in the Tinker case, but involving a t-shirt with a political message - would you be able to determine whether there has been a free speech violation?)

Experts also recommend *evaluating* a court's decision as a means of engaging deeply in the reading of the opinion. Here are a couple of questions you might use for such an evaluation. "If one of the material facts in the opinion were changed from X to Y, how would that have affected the court's decision?" "Do I agree with the court's decision?"

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[5] For additional means of active reading, see Tracey E. George & Suzanna Sherry, What Every Law Student Really Needs to Know: An Introduction to the Study of Law, 65-71(2009).

b. Practicing Active Reading Strategies in Analyzing Precedent

In addition to reading this packet and chapters 1 – 4 of What Every Law Student Really Needs to Know in preparation for our first Orientation session on May 28th, use the active reading strategies discussed above when you read the Tinker opinion on pages 9 - 12. (You may attempt to brief the case if you prefer, but we recommend that you wait until after our May 28th session to try your hand at case briefing. For Tinker, utilize prediction and goal-setting, strategies while reading, and post-reading assessment.)

For the May 29th Orientation session, however, you *should* attempt to brief the Hazelwood case in Section V as part of your preparation.

We appreciate that active reading strategies such as prediction, goal setting and case briefing may be new to you. You will get better at such activities over time. To help with your efforts at briefing cases, the next three pages contain an annotated template for constructing a case brief. The Tinker and Hazelwood cases on free speech in public schools follow the template.

CASE OPINION (AND POSSIBLE BRIEF) COMPONENTS

CASE COMPONENT	DESCRIPTION	
1. Case **Title, Court & Year**	Title of the case, court and date	[Fill in]
2. Parties **Names, Procedural Designation**	Brief description of who is suing whom and role of each in the litigation	
3. Procedural History a.k.a. Procedural Facts (includes Procedural Posture)	Brief description of what has happened in the case *since the lawsuit was filed*; should be distinguished from the substantive facts of the case (see #4 below). Procedural posture: where the case is now, e.g., on appeal.	
4. Facts	Brief description of what happened to cause one party to initiate litigation and the facts affecting the court's decision. Sometimes these are called the *substantive* facts or *determinative* facts (as distinguished from the *procedural* facts). (As with all components of a brief, you also should be guided by what your professor likes to discuss in class.)	
5. Issue(s)	The legal question or questions the court must decide. Typically includes substantive facts *plus* reference to a rule of law. There will always be at least one issue, and often there are multiple issues in a case.	

CASE COMPONENT	DESCRIPTION	
6. **<u>Holding & Disposition</u>**	Holding is the answer to the issue and primary legal conclusion in the case. Disposition is the legal result for the particular case, e.g., "Affirmed" or "Granted." Often found at the end of the opinion.	
7. **<u>Rules (a.k.a. the law)</u>**	Rules or laws existing prior to the case at hand and which are used to decide the case; can include statutes, regulations, rules of procedure, common law, etc. The caselaw rules and holdings existing prior to the instant case being decided are referred to as "precedent." Courts also will often announce new rules or interpretations of precedent. The holding(s) in a case are also a form of law or rule upon which future litigants can rely. Some professors consider the rules discussed in a case to be part of the court's reasoning (see #9 below).	
8. **<u>Arguments</u>** (Made to the court by each party in the case.)	Not always easily discernible; the arguments often merge with or form the basis for the court's reasoning (see #9 below). Arguments are generally an optional component. Include arguments in your brief if your professor likes to discuss the arguments in class.	

CASE COMPONENT	DESCRIPTION	
9. <u>Reasoning</u>	Description of *why* the court ruled as it did. Can include precedent (see #7 above), policy considerations, etc. The court's reasoning is not always apparent.	
10. <u>Miscellaneous</u> a. Concurring and dissenting opinions, if any. b. Dictum c. Your own comments, questions, etc.	a. Concurring and dissenting opinions are not law but they are often the subject of class discussions and can help you understand the main opinion. b. Dictum likewise is not law but may be useful to include in a brief for the same reasons you might include concurring and dissenting opinions. c. You might include in your briefs your own questions and comments to focus your class participation and case understanding.	

Tinker v. Des Moines Independent Community School District

United States Supreme Court
393 U.S. 503 (1969)

Mr. Justice FORTAS delivered the opinion of the Court.

Petitioner John F. Tinker, 15 years old, and petitioner Christopher Eckhardt, 16 years old, attended high schools in Des Moines, Iowa. Petitioner Mary Beth Tinker, John's sister, was a 13-year-old student in junior high school.

In December 1965, a group of adults and students in Des Moines held a meeting at the Eckhardt home. The group determined to publicize their objections to the hostilities in Vietnam and their support for a truce by wearing black armbands during the holiday season and by fasting on December 16 and New Year's Eve. Petitioners and their parents had previously engaged in similar activities, and they decided to participate in the program.

The principals of the Des Moines schools became aware of the plan to wear armbands. On December 14, 1965, they met and adopted a policy that any student wearing an armband to school would be asked to remove it, and if he refused he would be suspended until he returned without the armband. Petitioners were aware of the regulation that the school authorities adopted.

On December 16, Mary Beth and Christopher wore black armbands to their schools. John Tinker wore his armband the next day. They were all sent home and suspended from school until they would come back without their armbands. They did not return to school until after the planned period for wearing armbands had expired—that is, until after New Year's Day.

This complaint was filed in the United States District Court by petitioners, through their fathers. It prayed for an injunction restraining the respondent school officials and the respondent members of the board of directors of the school district from disciplining the petitioners, and it sought nominal damages. After an evidentiary hearing the District Court dismissed the complaint. It upheld the constitutionality of the school authorities' action on the ground that it was reasonable in order to prevent disturbance of school discipline. The court referred to but expressly declined to follow the Fifth Circuit's holding in a similar case that the wearing of symbols like the armbands cannot be prohibited unless it 'materially and substantially interfere(s) with the requirements of appropriate discipline in the operation of the school.'

On appeal, the Court of Appeals for the Eighth Circuit considered the case en banc. The court was equally divided, and the District Court's decision was accordingly affirmed, without opinion. We granted certiorari.

I.

The District Court recognized that the wearing of an armband for the purpose of expressing certain views is the type of symbolic act that is within the Free Speech Clause of the First Amendment. As we shall discuss, the wearing of armbands in the circumstances of this case was entirely divorced from actually or potentially disruptive conduct by those participating in it. It was closely akin to 'pure speech' which, we have repeatedly held, is entitled

to comprehensive protection under the First Amendment.

First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. This has been the unmistakable holding of this Court for almost 50 years. . . .

In West Virginia State Board of Education v. Barnette, supra, this Court held that under the First Amendment, the student in public school may not be compelled to salute the flag. Speaking through Mr. Justice Jackson, the Court said:

> 'The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures—Boards of Education not excepted. These have, of course, important, delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.'

On the other hand, the Court has repeatedly emphasized the need for affirming the comprehensive authority of the States and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools.. . . . Our problem lies in the area where students in the exercise of First Amendment rights collide with the rules of the school authorities.

II.

The problem posed by the present case does not relate to regulation of the length of skirts or the type of clothing, to hair style, or deportment. . . . It does not concern aggressive, disruptive action or even group demonstrations. Our problem involves direct, primary First Amendment rights akin to 'pure speech.'

The school officials banned and sought to punish petitioners for a silent, passive expression of opinion, unaccompanied by any disorder or disturbance on the part of petitioners. There is here no evidence whatever of petitioners' interference, actual or nascent, with the schools' work or of collision with the rights of other students to be secure and to be let alone. Accordingly, this case does not concern speech or action that intrudes upon the work of the schools or the rights of other students.

Only a few of the 18,000 students in the school system wore the black armbands. Only five students were suspended for wearing them. There is no indication that the work of the schools or any class was disrupted. Outside the classrooms, a few students made hostile remarks to the children wearing armbands, but there were no threats or acts of violence on school premises.

The District Court concluded that the action of the school authorities was reasonable because it was based upon their fear of a disturbance from the wearing of the armbands. But, in our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression. Any departure from absolute regimentation may cause trouble. Any variation from the majority's opinion may inspire fear. Any word spoken, in class, in the lunchroom, or

on the campus, that deviates from the views of another person may start an argument or cause a disturbance. But our Constitution says we must take this risk, and our history says that it is this sort of hazardous freedom—this kind of openness—that is the basis of our national strength and of the independence and vigor of Americans who grow up and live in this relatively permissive, often disputatious, society.

In order for the State in the person of school officials to justify prohibition of a particular expression of opinion, it must be able to show that its action was caused by something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint. Certainly where there is no finding and no showing that engaging in the forbidden conduct would 'materially and substantially interfere with the requirements of appropriate discipline in the operation of the school,' the prohibition cannot be sustained.

In the present case, the District Court made no such finding, and our independent examination of the record fails to yield evidence that the school authorities had reason to anticipate that the wearing of the armbands would substantially interfere with the work of the school or impinge upon the rights of other students. Even an official memorandum prepared after the suspension that listed the reasons for the ban on wearing the armbands made no reference to the anticipation of such disruption.

On the contrary, the action of the school authorities appears to have been based upon an urgent wish to avoid the controversy which might result from the expression, even by the silent symbol of armbands, of opposition to this Nation's part in the conflagration in Vietnam. It is revealing, in this respect, that the meeting at which the school principals decided to issue the contested regulation was called in response to a student's statement to the journalism teacher in one of the schools that he wanted to write an article on Vietnam and have it published in the school paper. (The student was dissuaded.)

It is also relevant that the school authorities did not purport to prohibit the wearing of all symbols of political or controversial significance. The record shows that students in some of the schools wore buttons relating to national political campaigns, and some even wore the Iron Cross, traditionally a symbol of Nazism. The order prohibiting the wearing of armbands did not extend to these. Instead, a particular symbol—black armbands worn to exhibit opposition to this Nation's involvement in Vietnam—was singled out for prohibition. Clearly, the prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with schoolwork or discipline, is not constitutionally permissible.

In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are 'persons' under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views. As Judge Gewin, speaking for the Fifth Circuit, said, school officials cannot suppress 'expressions

of feelings with which they do not wish to contend.'. . .

This principle has been repeated by this Court of numerous occasions during the intervening years. . . . [and]is not confined to the supervised and ordained discussion which takes place in the classroom. . . . When [a student] is in the cafeteria, or on the playing field, or on the campus during the authorized hours, he may express his opinions, even on controversial subjects like the conflict in Vietnam, if he does so without 'materially and substantially interfer(ing) with the requirements of appropriate discipline in the operation of the school' and without colliding with the rights of others. But conduct by the student, in class or out of it, which for any reason—whether it stems from time, place, or type of behavior—materially disrupts classwork or involves substantial disorder or invasion of the rights of others is, of course, not immunized by the constitutional guarantee of freedom of speech.

Under our Constitution, free speech is not a right that is given only to be so circumscribed that it exists in principle but not in fact. Freedom of expression would not truly exist if the right could be exercised only in an area that a benevolent government has provided as a safe haven for crackpots. The Constitution says that Congress (and the States) may not abridge the right to free speech. This provision means what it says. We properly read it to permit reasonable regulation of speech-connected activities in carefully restricted circumstances. But we do not confine the permissible exercise of First Amendment rights to a telephone booth or the four corners of a pamphlet, or to supervised and ordained discussion in a school classroom.

If a regulation were adopted by school officials forbidding discussion of the Vietnam conflict, or the expression by any student of opposition to it anywhere on school property except as part of a prescribed classroom exercise, it would be obvious that the regulation would violate the constitutional rights of students, at least if it could not be justified by a showing that the students' activities would materially and substantially disrupt the work and discipline of the school. In the circumstances of the present case, the prohibition of the silent, passive 'witness of the armbands,' as one of the children called it, is no less offensive to the constitution's guarantees.

As we have discussed, the record does not demonstrate any facts which might reasonably have led school authorities to forecast substantial disruption of or material interference with school activities, and no disturbances or disorders on the school premises in fact occurred. These petitioners merely went about their ordained rounds in school. Their deviation consisted only in wearing on their sleeve a band of black cloth, not more than two inches wide. They wore it to exhibit their disapproval of the Vietnam hostilities and their advocacy of a truce, to make their views known, and, by their example, to influence others to adopt them. They neither interrupted school activities nor sought to intrude in the school affairs or the lives of others. They caused discussion outside of the classrooms, but no interference with work and no disorder. In the circumstances, our Constitution does not permit officials of the State to deny their form of expression.

We express no opinion as to the form of relief which should be granted, this being a matter for the lower courts to determine. We reverse and remand for further proceedings consistent with this opinion.

Reversed and remanded.

SECTION V:

Hazelwood School District
v.
Kuhlmeier

United States Supreme Court
484 U.S. 260 (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 [journalism] 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. The printing expenses during the 1982–1983 school year totaled $4,668.50; revenue from sales was $1,166.84. 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 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. 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.[6] 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. . . .

The Court of Appeals for the Eighth Circuit reversed. . . .

We granted *certiorari* 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 v Des Moines School Dist.*, 393 U.S. 503 (1969). 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" — 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."

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. 403 v. Fraser*, 478 U.S. 675 (1986), and must be "applied in light of the special characteristics of the school environment." *Tinker.* A school need not tolerate student speech that is inconsistent with its "basic educational mission," *Fraser*, even though the government could not censor similar speech outside the school. . . . We thus recognized [in *Fraser*] that "[t]he 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. . . .

B

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.

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

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6 [Court's footnote 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.

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," *Tinker*, 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 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*, 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.*

Accordingly, we conclude that the standard articulated in *Tinker* for determining when a school may punish student expression need not also be the standard for determining when a school may refuse to lend its name and resources to the dissemination 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. 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]," as to require judicial intervention to protect students' constitutional rights.

III

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 page 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 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 not 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 case. . . .

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 the 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.

[Justice Brennan filed a dissenting opinion, which Justices Marshall and Blackmun joined.]