LAW TEXTBOOKS FOR SCHOOL ADMINISTRATORS:

DO THEY PRESENT THE SAME

TINKER AND *HAZELWOOD* WE KNOW?

Candace Perkins Bowen
Kent State University

Trevor Ivan
Kent State University

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Abstract

Textbooks that future secondary school administrators use in their educational law classes cover student media and related legal issues. These books explain the challenge of balancing students' First Amendment rights and principals' concern for control. Comparing how these texts and the only scholastic media text on the subject, *Law of the Student Press*, cover two landmark Supreme Court cases — *Tinker* and *Hazelwood* — could be a clue to disagreements and misunderstandings between principals and journalism teachers.

Law Textbooks for School Administrators:

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When the National Association of Secondary School Principals met in February 2003, one slot on the program concerned student media with a title that presented this in educational, not free speech, terms: "Meeting Curricular Standards with Journalism and Mass Communication," sponsored by the American Society of Newspaper Editors' high school journalism project. This was another attempt to bridge the often large gap between high school administrators and student media advisers. With fewer than five in the audience that Sunday morning in San Diego, not many principals left with new attitudes, but then Quill and Scroll executive director Richard Johns, one of the speakers, said what came afterward had more impact on him than the session did. His trip to the NASSP bookstore, which was set up in the trade show area, allowed him to browse through a large array of topics, but the ones about legal issues caught his eye.

After thumbing through the administrative law course books, he said he was "amazed at how insignificant" the cases that meant so much to scholastic journalists were presented in the materials for future principals. In addition, "These [textbooks] made it seem like administrators had the capability of censoring. They were in control of content no matter what," Johns said. Most of the textbooks seemed to offer "encouragement and support to censor," he added (R. Johns, personal communication, March 10, 2011).

Was what Johns saw typical? Based on other anecdotal evidence, it would seem so. A March 2011 posting on JEAHELP, the email distribution list of more than 1,200

members of the Journalism Education Association, reported a high school journalism teacher's colleague in Kansas had learned in her educational law class that censorship was perfectly legal, even in her state, which has additional protection for free speech in student media (White, n.p.). Doctoral candidate Audrey Wagstaff had a similar experience when she enrolled in School Law for Teachers and Principals at a large Midwestern university in Summer 2009. What her professor said about rights of student journalists was not what she had learned as a Wilmington (Ohio) High School editor. To further upset Wagstaff, her professor was one of the text's authors (A. Wagstaff, personal communication, March 19, 2011).

Studying exactly how explanations and analyses in these texts for school administrators differ from those in *Law of the Student Press* (2008), the Student Press Law Center's text that scholastic journalism advisers generally use, could be a step to understanding miscommunication about free speech in the school setting. Although school administrators are charged with knowing about a wide range of legal issues that go far beyond student media and although they gain their perceptions of First Amendment rights through more than simply their legal course textbooks, assessing how student expression is presented there is a start. This could show if the actual content differs or if the context and explanations do. With that in mind, these became the three research questions we attempted to answer.

RQ1: To what extent do textbooks used for school law courses designed for secondary school administrators cover the two landmark Supreme Court cases, *Tinker v. Des Moines Independent Community School District,* 393 U.S. 503 (1969) and *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988)?

RQ2: How does this coverage compare to that of the same cases in *Law of the Student Press*, the Student Press Law Center's third edition (2008) book?

RQ3: In particular, how do the two handle explanations of concepts like open forum, disruption, invasion of the rights of others, pedagogical concerns, viewpoint neutral speech and time/place/manner regulations while analyzing these two landmark cases?

Survey of Literature

Textual analysis has been used as a research method to extrapolate the meaning and connections found within numerous forms of writing and other printed materials. Examples are numerous. For instance, Lowman (2008) examined the content of high school history textbooks in order to analyze the narrative the authors create about such issues as slavery and the treatment of Native Americans.

Other examples include an analysis of media content about physical parental discipline (Redman & Taylor, 2006), representations of Latino subculture in American picture books (Naidoo, 2008), and even an examination of the reflection of Chinese culture on the sayings found in fortune cookies (Yin & Miike, 2008).

Despite the prevalence of textual analysis, few studies exist that are directly comparable to this one. One is Schraum (2010). The researcher analyzed how free expression issues were presented in administrator training courses at universities in Missouri. That study took several approaches to answering the research questions: interviews with course instructors, a survey of Missouri high school principals to assess their understanding of such issues based on the training they received, and an analysis of

textbooks as well as any supplemental readings related to free expression issues used in the course.

Schraum's analysis compared the textbook content to standards exemplified in *Law of the Student Press* (2008). Specifically, the researcher examined eight questions relating to the presentation of free expression issues in the textbooks under study. Some were concrete: Is censorship of student news media described as a requirement? Others required a more holistic analysis: Does the text describe any positive value of freedom of expression? (pp. 23-24). That analysis included four textbooks, one of which, Alexander and Alexander (2008), is being used for this study. Schraum's analysis of the books showed discrepancies among their presentation of various court cases and legal standards (pp. 36-38).

Methodology

Textbooks analyzed for this project were those used in education law classes at the top 10 schools for education administration and supervision as designated by *U.S. News & World Report* in the spring of 2009. After obtaining the list, we examined each institution's website to look for applicable courses about educational law. We focused our search on academic programs that specialized in secondary school administrator training either at the master's or doctoral level.

We checked each university's schedule of classes to find when these courses were offered. The courses examined for this study were offered between the summer term 2009 and spring term 2010. (It must be noted that the academic calendars vary at the institutions used in this study. Some are on semesters, while others are on quarters. Thus, this study examined courses offered between June 2009 and May 2010.) Only books for

the course offered during that time period were considered for this study. We used the school bookstore's website from each institution to find the text used for each particular class. That failed for three institutions. For two of them, we were able to find the name of the course's instructor from the school's online course catalog. We contacted them through e-mail requesting the name of the book, but we did not receive any response.

The goal was simply to use an objective method to find a sample of books to analyze. Therefore, missing information from three institutions was not a concern.

Table 1 contains a list of each school in order as ranked by *U.S. News & World Report* followed by the name of the course offered and any required and supplemental texts listed on the website of each school's bookstore. A complete citation for each text can be found on the References page.

Table 1

SCHOOL	**COURSE**	**TEXT(S)**
1. Vanderbilt University	K-12 Education Law	Text was not listed on website; instructor didn't respond to request for title.
2. University of Wisconsin-Madison	Legal Aspects of Elementary and Secondary Education	*American Public School Law* (7th ed.), *Principal's Legal Handbook* (4th ed.), *Public School Law* (6th ed.)
3. Harvard University	Schools and the Law	*Teachers and the Law* (7th ed.)
4. Teachers College – Columbia University	Law and Education: Regulation, Religion, Free Speech, and Safety	*Law and Public Education: Cases and Materials* (4th ed.)
5. Ohio State University	Legal Aspects of School Administration	*Law and Public Education: Cases and Materials* (4th ed.)
6. Pennsylvania State University	Law and Education	*American Public School Law* (7th ed.)
7. Stanford University	Law, Litigation, and Educational Policy	*Educational Policy and the Law* (4th ed.)
8. Michigan State University	Educational Law	Applicable course was not offered during the study's specified time period.
9. University of Southern California	The Policies and Politics of Education Governance	Access to the university's student bookstore online catalog is restricted to those with a login name and password.
10. University of Michigan	Financial and Legal Policies for Schools	Text was not listed on website; instructor didn't respond to request for title.

First Amendment and free expression issues comprise only a portion of each of the texts. Thus, while some of the books were more than 1,000 pages, the operative portions of the book for this study generally consisted of no more than a few dozen pages.

The actual method to assess and analyze the texts was another challenge. Because of the large variation of formats, from simply presenting the cases to offering "thought questions" to essays about case impact, standard content analysis did not seem as if it would be effective. The terminology used across the texts was not consistent, making coding unreliable at best. The nuances apparent in placement of information, choice of cases used for support and cases omitted, and accompanying explanations would be hard to quantify. The additional bonus from textual analysis is its reminder that "no text is the *only* accurate, true, unbiased, realistic representation; there are always alternative representations that are equally accurate, true, unbiased, and realistic" (McKee, 2003, p. 29).

Because of the researchers' background in scholastic media, a process that encourages a more open mind is beneficial. The knowledge gained from this approach to the research "can be useful for understanding more likely interpretations of particular texts, as long as the researcher has a detailed knowledge of the sense-making culture they're describing" (McKee, 2003, p. 137). For these reasons, we chose to use a textual analysis.

Results

We have studied the books' coverage of the two landmark cases — *Tinker v. Des Moines Independent Community School District* and *Hazelwood School District v.*

Kuhlmeier — both in the way they explain recurring legal terms and issues and in their overall quantity and graphic and organizational presentation. With this information, we can compare what is included, what is missing, and even what overall impression they seem to convey.

Tinker v. Des Moines Independent Community School District

Law of the Student Press (2008) describes major components of the *Tinker* case. The case was credited with introducing the notion that neither students nor teachers "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" (*Tinker v. Des Moines*, 1969). Only in specific circumstances could administrators either suppress such speech before its expression or punish it after the fact. The Supreme Court ruled that only when such speech was a material disruption to the educational process or an invasion of the rights of others could such action occur. The Court was clear that meant physical disruption had to take place—not merely controversy or unpleasantness (pp. 25-27). This standard is not met when other students threaten disruption if a particular group or individual is permitted to express an unpopular viewpoint (p. 27). School administrators, like other government officials outside the school environment, can impose reasonable regulations on the time, place and manner of speech. However, these regulations must be applied equally to all speakers and viewpoints (p. 114). Administrators can only suppress speech before it occurs if they can make a reasonable forecast of likely disruption, based on facts, not simply out of fear that a particular form of speech or viewpoint will be unpleasant (pp. 25-27).

Components presented. Analyzing explanations of *Tinker*, then, logically includes several components at the very least: free expression rights, material disruption, invasion of the rights of others, and time/place/manner regulations.

Free expression rights. The often-quoted line from the *Tinker* case those involved in scholastic media use includes the part about not shedding "their constitutional rights … at the schoolhouse gate" (*Tinker v. Des Moines*, 1969). Yet, not all the administrator law books used that line. Thomas, Cambron-McCabe & McCarthy (2009) leave out the exact line and don't tie their paraphrase to *Tinker* when they say "students do not shed their constitutional rights as a condition of public school attendance" (p. 106). Gee & Daniel (2008) include the phrase only in context of a large portion of the case (p. 213). Yudof, Kirp, Levin & Moran (2002) likewise include the phrase, but only as part of the complete *Tinker* case (p. 226). Fischer, Schimmel & Stellman (2007) set up a question-and-answer format and quote the *Tinker* case when describing many of the operable terms—material disruption, an invasion of the rights of others, reasonable forecast, undifferentiated fear of disruption. Therefore, all of these terms appear in the text although they are not explained.

Material disruption. In *The Principal's Legal Handbook*, one of the most thorough in describing all the attributes of the *Tinker* case, "Freedom of Information" chapter author Schimmel (2008) explains the concept of material disruption, using cases that show possibly disruptive situations. He describes the banning of buttons at a Cleveland high school because of a history of racial unrest caused by such symbols, noting the judge allowed such an administrative action. Two other cases are included, one a situation where a principal was found to have no basis to forbid expression and the

other where the principal's suspension of two students was upheld because, the court agreed, he could reasonably forecast disruption (Schimmel, p. 36). Gee and Daniel (2008) provided the least directly applicable analysis because of their book's setup—cases, essays, etc. It did point out that school administrators do bear the burden of justifying suppression, and fear of disorder was not a sufficient reason for justifying suppression (p. 223).

Invasion of the rights of others. Although the *Tinker* standard has a second prong beyond disruption — invasion of the rights of others — , fewer of the administrative law books we analyzed cover it. Schimmel (2008) mentions it but fails to provide any further documentation or support (p. 36). The only place these words appear in the other texts is within printings of the *Tinker* case itself with no further explanation.

Time, place, and manner. Fischer, Schimmel & Stellman (2007) describe time/place/manner regulations in light of underground publications and distribution policies (p. 159). The text doesn't completely spell out that only *Tinker* applies to independent student speech. It does hint at this when discussing underground publications as a distinction from the standards that apply to curricular speech as designated by *Hazelwood* (p. 159). Thomas, Cambron-McCabe & McCarthy (2009) provide a thorough explanation of time/place/manner restrictions, including specifically noting that such restrictions "must be reasonable, neutral, and uniformly applied to expressive activities" and that "school officials must provide students with specific guidelines regarding when and where … and not relegated to remote times or places" (p. 125).

Two of the texts, *American Public School Law* and *Educational Policy and the Law*, offer little specific information about *Tinker*. In the former, Alexander and

Alexander (2008) point out that the interpretation of *Tinker*'s standard is "nebulous," and the Court left it for lower courts to define (p. 415). In the latter, Yudof, Kirp, Levin & Moran (2002) simply print the entire case and then list discussion questions. For *Tinker*, most of these focus on expression other than that in student media. Even the section about "The Substantial Disruption Standard" only raises questions such as, "Does the substantial disruption test adequately protect the school's educational mission?" (p. 232).

Hazelwood School District v. Kuhlmeier

Law of the Student Press (2008) describes major components of the *Hazelwood* case. The legitimate pedagogical concerns standard in *Hazelwood* applies to speech that is sponsored by the school, meaning it is connected to the school curriculum. Other speech that happens to occur at school but is not officially sponsored by the school is still governed by the material disruption standard set forth in *Tinker* (p. 46). The court reasoned that schools could exert greater control over speech that could "reasonably be perceived to bear the imprimatur of the school" (*Hazelwood School District v. Kuhlmeier*, 1988). To this end, the Court fashioned a test that created a much lower hurdle for administrators to meet to justify censoring student speech (p. 43). The Court found that school administrators do not infringe upon students' First Amendment rights when controlling curricular speech as long as their control is "reasonably related to legitimate pedagogical concerns" (*Hazelwood School District v. Kuhlmeier*, 1988). However, the court failed to succinctly define this standard (p. 49). The standard only says that administrators may control the content of such speech. No mandate exists that they must. Any such control must generally be viewpoint neutral (pp. 48-49). However, in instances where schools have designated their media as forums for student expression, the *Tinker*

standard applies, even though the speech is connected to the school curriculum. In such instances, the school relieves itself from financial liability because student editors, not school officials, are charged with making all content decisions (pp. 46-48). Also, several states have passed laws that guarantee students with more rights than do federal judicial rulings (p. 53).

Components presented. Terms that should be checked in any explanation of the *Hazelwood* case, then, include public forums/forum analysis, legitimate pedagogical concerns/control, viewpoint neutral decisions, and state laws.

Public forum/forum analysis. Schimmel (2008) states that students have little First Amendment freedom in terms of curricular speech and points out that the Court ruled the *Hazelwood* publication was not a public forum. However, because of the wording, the passage appears to say the Court said no school publications were public forums: "The Court ruled that a curricular newspaper was not a public forum and that 'school officials were entitled to regulate the contents … in any reasonable manner'"(p. 37). Thomas, Cambron-McCabe and McCarthy (2008) make it clear creating a forum is a conscious decision, saying, ". . . the Court declared that only with school authorities' clear *intent* do school activities become a public forum" (p. 113). Gee and Daniel (2008) state that public forum analysis is an "empty formality" given the court's broad holding in the case (p. 238). Alexander and Alexander (2008) say that *Hazelwood* only applies to school-sponsored publications and that the case allows for greater control by "removing the *Tinker* burden of proof" (p. 435). They further note, ". . . freedom of expression in school newspapers is not today controlled by the *Tinker* standard of 'material and substantial disruption'" (p. 436).

Legitimate pedagogical concerns/control. This aspect of *Hazelwood* is linked in some of the books to the idea of materials that, as Thomas, Cambron-McCabe and McCarthy (2008) say, quoting the decision, "bear the school's imprimatur" (p. 113). Private speech is one thing, the authors indicate, but "the Court acknowledged school authorities' broad discretion to ensure that such expression occurring in school publications and all school-sponsored activities is consistent with educational objectives" (p. 113). However, the authors use *Dean v. Utica* to remind readers a federal court could find no legitimate pedagogical concern in that case to support censoring the school publication (p.115). Schimmel (2008) even indicates educators may exert greater control over school-sponsored speech as a means to set higher standards for it, thus making it appear as though censorship could be a teaching tool (p. 37). Fischer, Schimmel & Stellman (2007) seem to make the same argument, indicating the school is the publisher of school media, and it doesn't have to lend its name to works that don't meet "high standards" (p. 156).

Schimmel (2008) states that, in most instances, courts will presume that administrative control is valid (p. 44). He also says judges have "interpreted *Hazelwood* to grant administrators broader control over curricular decisions than they had in the past" (p. 39), using examples he notes are not related to curriculum, such as Planned Parenthood ads and a peace group that wanted to be included in Career Day. Alexander and Alexander (2008) go so far as to say school officials are allowed to "exercise editorial control over school-sponsored publications if they have a legitimate pedagogical reason," but they need to be careful of prior review to avoid legal issues. "If a school policy requires that students submit materials before distribution, then strong due process

procedures must be in place, or the policy is vulnerable to a prior restraint challenge," they warn (p. 437). It is a matter of control but do not seem unfair about it.

Viewpoint neutral decisions. Fischer, Schimmel & Stellman (2007) conclude that "most courts say yes" when it comes to seeking viewpoint neutral choices (p. 158). Although their examples are not from student media, they describe a school choosing only "gay-friendly" speakers for a panel about homosexuality as an unnecessary restriction based on *Hazelwood*. They also say administrators do not have "unlimited discretion" to censor student media and warn that censorship that has "no valid educational purpose" or is "unreasonable" is not acceptable under the U.S. Constitution (p. 156). Thomas, Cambron-McCabe and McCarthy (2009) agree censorship must be viewpoint neutral, indicating "blatant viewpoint discrimination, even in a nonpublic forum, abridges the First Amendment" (p. 114). While several of the books seem to be offering advice for ways to legally limit expression, Schimmel (2008) ends his chapter with "Recommendations for Practice." His tenth and final one is as follows: "Administrators should distinguish between what they have authority to do legally and what it is wise to do educationally. For example, *Hazelwood* allows schools to censor almost all articles in curricular publications. But this, of course, does not mean that censorship is the best way to train students to exercise their First Amendment rights in a fair and responsible manner" (p. 45). For that, he earns high marks for bringing education into the equation but fails when he says *Hazelwood* allows almost unlimited censorship.

State laws. Schimmel (2008) does mention state laws that afford students more rights (p. 40). Fischer, Schimmel and Stellman (2007) acknowledge that "*Hazelwood* ruled schools may control school-sponsored publications," not that they must, adding, "in

fact, some state laws limit broad administrative control over school-supported publications" (p. 157).

Overall Effects of Presentation. Sometimes what texts say is not all that counts. How do they present the information? How is it organized or formatted to show what is important and what is not? How much of the book is devoted to student media legal issues?

The last question is easiest to answer: not much. The texts were generally comprehensive looks at the many aspects of law a public school administrator would need to know. Yet the mathematical analysis reveals the following: *American Public School Law*, 34 of 1,186 total pages (3 percent); *Law and Public Education: Cases and Materials*, 47 of 929 total pages (5 percent); *Educational Policy and the Law*, 25 of 1022 total pages (2 percent); *Principal's Legal Handbook*, 12 of 636 total pages (2 percent); *Public School Law*, 20 of 530 total pages (4 percent); *Teachers and the Law*, 20 of 480 total pages (4 percent). Thus as little as 2 percent to as much as only 5 percent of a future principal's legal training concerns student free speech rights, at least as far as his or her textbook is concerned.

Answering the other questions about impact of the material included in the texts is more complicated. Just as the first chapter of a novel or the lead of a feature sets its tone, the introduction to legal issues dealing with student media is often revealing in administrative law books. On one extreme is *American Public School Law*, which prefaces its Student Publications section with the *New York Time*s Pentagon Papers Supreme Court decision: "In the First Amendment, the Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy" (Alexander & Alexander, p. 397). That presents a definite "free speech" premise to the chapter

(although not all that follows continues in this vein). Schimmel (2008), author of the "Freedom of Expression" chapter in *The Principal's Legal Handbook*, begins by describing *Tinker* and saying, "Clearly the First Amendment still protects a student's controversial opinion" (p. 13). On the other hand, Gee & Daniel (2008) title their Chapter 6 "School Control of Student Expression" and state in the introduction, "School administrators, as representatives of the states, are required to accord students their First Amendment rights to freedom of speech," though they continue by explaining this is a balancing act with their "duty to maintain order in the schools" (p. 213). The "are required" verb hardly speaks to an interest in student voices. Along those lines, Thomas, Cambron-McCabe and McCarthy (2009) warn in their introduction to the student rights chapter, "Students continue to test the limits of their personal freedoms in public schools, frequently colliding with educators' efforts to maintain an appropriate school environment" (p. 104). Restricting their speech, then, would seem to be the authors' way to maintain that environment.

Headings also could play a subtle but telling role in the overall impression these books leave on their readers. *American Public School Law* includes printings of court cases, and before each is a small italic summary. For instance, instead of, "*Students don't shed their Constitutional rights*…." for *Tinker v. Des Moines Independent School District*, the line focuses on how far an administrator can go in limiting student speech: "*Denial of Freedom of Expression Must be Justified By a Reasonable Forecast of Substantial Disruption*" (Alexander & Alexander, p. 416). The *Hazelwood School District v. Kuhlmeier* summary leaves an even more limited view of the case: "*Schools May Regulate the Content of School-Sponsored Newspapers*" (p. 437). While two lines

on the page wouldn't allow for the limitations and detailed explanations of forum theories, the lasting impression from a quick read could cause confusion when a principal tries to apply what he or she learned.

Introductions to sections about the court cases can also set the tone. Schimmel (2008) introduces the *Hazelwood* case by noting, "The First Amendment gives very little protection to student freedom of the press in school-sponsored, curricular publications" (p. 37). He further states, "The Court ruled that a curricular newspaper was not a public forum and that 'school officials were entitled to regulate the contents … in a reasonable manner'" (p. 37). While his explanation may be true for the *Hazelwood* situation, this appears to say the Court ruled no curricular newspaper could be a public forum, which is misleading at best.

Thomas, Cambron-McCabe and McCarthy (2009) offer a graphic that allows future administrators to decide if *Tinker* or *Hazelwood* applies in their school situation, using a series of forced choices. The last set of questions separates "private" speech from "school sponsored," indicating the *Tinker* standard applies to "private" speech. This would make it seem as if all speech in a school that could be controlled, a forum for student expression not being an option (p. 116).

Discussion

Clearly texts that are designed to present a wide range of topics administrators need to know cannot cover student media legal issues as thoroughly as 402 pages of *Law of the Student Pres*s (2008) can. Besides offering chapters on each area of unprotected speech plus chapters specific to different student media, from online to broadcast to "underground," the text from the Student Press Law Center has chapters about freedom

of expression in general (6 pages), high school press freedom (15 pages), rights of advisers (13 pages), and the Freedom of Information Law (19 pages). Appendices include four different ethical codes, National Council of Teachers of English Resolution on the Importance of Journalism Courses and Programs in English Curricula, and state student free expression laws in the states that had some form of protection in 2008. None of the administrator legal texts contains any of this material.

Simply comparing the content about *Tinker* and *Hazelwood* in *Law of the Student Press* to the other textbooks is also telling. Chapter 4, "Through the Schoolhouse Gate: *Tinker* Sets the Standard," spends 11 pages on *Tinker*, including a two-page discussion of previous cases that set the stage for *Tinker* and sections from the decision that cite the value of First Amendment rights for students. In contrast to Alexander and Alexander (2008), who said the *Tinker* standard is "nebulous" and up to lower courts to define (p. 415), *Law of the Student Press* states, "Court rulings since 1969 have demonstrated that although the *Tinker* Standard is subject to some interpretation, it is not as nebulous as it may seem" (p. 25). In a sidebar are two graphic "quick facts," individual sentences in a contrasting typeface that succinctly summarize the standard: "Student expression is constitutionally protected unless it materially or substantially disrupts normal school activities or invades the rights of others." Two inches below in the sidebar in identical type is, "Under *Tinker*, student expression may not be censored merely because school officials dislike its content or because it provokes controversy or debate" (p. 25). Additional sections of the chapter cover "The Courts evaluate claims of disruption" (p. 28), "Growing concern about school violence" (p. 31), and "Limitations beyond *Tinker*" (p. 33). Each gives examples of lower court cases that applied *Tinker*.

Chapter 5, "High School Press Freedom: The Impact of *Hazelwood*," fills in the cases after *Tinker* that begin to lay the groundwork for more administrative control, then follow that with a thorough description to put the situation in context. In addition, the sidebars include a short list to explain types of forums (p. 40), explanation of the *Hazelwood* standard and a definition of prior review (p. 41). Another section details "The Problem of Prior Review," including a reference to the Journalism Education Association's condemnation of administrative prior review (p. 44), a clear contrast to Alexander and Alexander (2008), who suggest ways to censor that would be less likely to cause a legal battle (p. 437). One graphic teachers can use is the diagram that "describes how a court would determine if a particular act of censorship by school officials is legally permissible," a series of forced choices that allows the reader to decide what his or her situation would be (p. 45). The comparison to the graphic Thomas, Cambron-McCabe and McCarthy (2009) use is apparent, but the *Law of the Student Press* version includes asking about the publication's forum status and who makes the content decisions, framing explanations in educational terms. Other sections include "*Hazelwood* Horror Stories" (p. 51) and "Post-*Hazelwood* Successes" (p. 52). A final section discusses "Protection Beyond the First Amendment: State Law," the way eight states by 2008 "had passed laws that guaranteed high school students greater protection . . . ." (p. 53). Contrast that to Fischer, Schimmel and Stellman (2007), who view the state laws as something that "limit broad administrative control" (p. 157).

Limitations and Further Research

Overall, the our familiarity with *Law of the Student Press* and predisposition for allowing students to use their voices may color our views of the law books future

administrators study. We acknowledge our belief in the need to train students to be critical thinkers and voters in a democracy is different from the concern of school district lawyers (and thus administrators), who frame their approaches in light of protecting their schools' images and providing security for students, two arguments they use to explain more limited freedoms.

In addition, this study possesses some methodological limitations dealing with selecting schools and pinpointing the appropriate texts to analyze. First, the use of only the top 10 best schools for administrator training as classified by *U.S. News and World Report* sufficiently narrows the scope of understanding about this topic. Far more schools offer administrator training than those considered for this study. Investigating the content of textbooks used by instructors at other schools, perhaps by those programs with the highest enrollment rates, could prove insightful as well.

This study attempted to look at a snapshot period of summer 2009 through spring 2010. As is the case at many universities, different instructors could teach the same course during various academic terms. They might also select different textbooks. No indication exists that all instructors at a given institution use the same textbook during different terms or that the same instructors consistently use the same textbook when teaching the course during different terms. These variations would affect the exposure some students had to this material.

Because this study only analyzed the content of the textbooks, no indication exists how individual instructors present this material during class. It is possible that some instructors present a view of student expression that is more closely aligned with the view of *Law of the Student Press* even if the textbook they use presents a different view. The

reverse could also be true. The instructor's own presentation could have a greater impact than the material found in the textbook. In some instances, if not all, what the instructor presents during a lecture or what his or her responses are to class discussion could more profoundly shape a future administrator's outlook than their textbooks. For instance, in the set-up of *Law and Public Education*, the *Tinker* case is included, followed by two essays about it, one written in 1970 and one 20 years later. Next is a series of questions designed to encourage students to defend their views of the case with what they have read or with other cases the book includes. "Is *Guzick* consistent with *Tinker*?" That is one question, the authors expecting students to apply the court's ruling about buttons supporting causes to the earlier armband situation (Gee & Daniel, p. 220). How a professor handles answers in class could have a big impact.

This study also provides no indication about the amount of time instructors devote to issues of student expression law during the course. These issues are only but a small fraction of the topics covered in both the classes and textbooks themselves.

The research questions were limited in scope to provide a narrow focus for this study. The books' presentations of other notable Supreme Court decisions affecting student speech were not analyzed. This study also did not examine content regarding student religious freedom in public schools, even though courts have applied the standards set forth in both cases when crafting opinions about such issues.

For three reasons, the research presents avenues for further inquiry. First, laws change over time as courts further refine original precedents through subsequent decisions. As time progresses, there will exist a need to revisit this study to ascertain the change in subsequent versions of the textbooks to account for changes in the law. Second,

as stated previously, different textbooks used in other administrative law programs might yield other results, and a larger and more diverse sample could be used. Finally, the texts themselves might not have the impact that the instructors themselves have, thus making it worthwhile to study the impact of the entire learning experience. All of these would yield additional information that, like what we have found so far, gives insight into the miscommunication that sometimes occurs between principals and those involved in student media.

Thus, to answer the question in this paper's title, although both journalism teachers and school administrators may have studied the *Tinker* and *Hazelwood* cases, what they have "learned" might well be vastly different. What is covered and what is omitted, the phrasing and approach, and the amount of detail and number of pages devoted to the topic in each book could mean students take away very different interpretations of *Tinker* and *Hazelwood*.

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