

## "Article Addressing Protection of Public School Teacher Expression Wins Education Law Association Award"

DAYTON, Ohio, Oct. 29, 2008 - The Education Law Association (ELA) will present its *George Jay Joseph Education Law Writing Award* at its 54th Annual Conference being held in San Antonio, TX, November 19-22, 2008. Top government officials and legal and educational scholars from across the country will convene for this event.

The *George Jay Joseph Education Law Writing Award* was established in memory of George Jay Joseph, a humanitarian-businessman and long-time member of the Education Law Association. This writing award is presented annually and was designed to generate increased interest in and recognition of education law among graduate students in education schools and law school students. The subject matter must address current and emerging legal issues within any of the various contexts of public and private K-12 schools and institutions of higher education. The winning article will be published in the *Journal of Law and Education 2009*.

This year's award winner is Kimberly Gee, University of San Diego Law School student and Lead Articles Editor of the *San Diego Law Review*, for her article entitled "Establishing a Constitutional Standard that Protects Public School Teacher Expression." The article addresses the circuit courts' struggle to establish a workable standard that protects legitimate classroom speech by teachers in K-12 schools, while permitting school boards to take action against those who engage in offensive behavior.

Inconsistent circuit court decisions have also left teachers in the precarious position of not knowing the boundaries of their right to speak freely and openly in the classroom. "Establishing a Constitutional Standard that Protects Public School Teacher Expression" attempts to resolve this uncertainty by proposing a test that is structurally similar to the Supreme Court's *Hazelwood* analysis, yet incorporates further protections for teachers who did not have notice that school regulations forbade their conduct or who exercised their right to choose the best strategies to convey the state-prescribed curriculum to their students.

Frank Kemerer, professor in residence in the School of Law and School of Leadership and Education Sciences at the University of San Diego, nominated Kimberly for this award. Dr. Kemerer states, "I am very pleased that Kimberly has been honored as the first recipient of this prestigious award. She has worked very diligently during the past year to develop a legal standard that balances the interests of the school district as the employer with the interests of the teacher as a professional in addressing student educational needs for life in a democratic society."

Perry Zirkel, University Professor of Education and Law at Lehigh University, states, "The selection committee considered Kimberly's paper to have a winning balance of scholarly analysis and practical value. In her paper, she provided a comprehensive, thoughtful treatment of the significant issue of First Amendment protection of teacher expression."

Established in 1954, the Education Law Association (ELA) is a national nonprofit 501(c)(3) member association located at the University of Dayton. ELA promotes interest in and understanding of the legal framework of education and the rights of students, parents, school administrators, school boards, and school employees in public and private K-12 educational institutions, as well as higher education. For further information, visit [www.educationlaw.org](http://www.educationlaw.org).

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