May 31, 2018

Drew Watkins, Ph.D.
Superintendent, Prosper Independent School District
605 East Seventh Street
Prosper, Texas 75078

Dear Superintendent Watkins:

Founded in 1974, the Student Press Law Center (“SPLC”) is a national nonprofit organization dedicated to promoting and protecting the First Amendment rights of high school and college student journalists and the educators who work with them.

We at SPLC, together with the undersigned organizations which work to protect the First Amendment and the rights of independent media, write to express our serious concern over recent events involving the award-winning journalism program at Prosper High School (“PHS”). We are concerned about at least three incidents of overt censorship, the imposition of a highly restrictive prior review policy, the complete banning of student editorials and the highly unusual decision not to renew the contract of PHS’ nationally recognized journalism adviser, Lori Oglesbee-Petter. Each piece of this is troubling. Combined, they seem to signal a serious attempt to quash student journalism and student opinions and reach far beyond reasonable, legitimate educational purposes.

Background: Censorship and Prior View at PHS

During this academic year, PHS Principal John Burdett ordered editors of Eagle Nation Online, the student newspaper at PHS, to remove two editorials and an article slated for publication. He repeatedly expressed that each of the pieces made the school look bad. Our concerns are significantly amplified by Burdett’s recent decision not to renew the contract of Lori Oglesbee-Petter, the 34-year veteran award-winning journalism adviser at PHS who was named the top high school student media adviser in the United States in 2009 by the country’s largest association of scholastic journalism educators. While Oglesbee-Petter has only been at Prosper since May 2016, last year alone her journalism students racked up more than 175 state and national journalism awards.
In October 2017, copy editor Isabella Abraham published an article about a senior class movie night that was cancelled due to a "miscommunication" between past administrators and Burdett, who is completing his first year as principal. The article was online for one day when Burdett told Oglesbee-Petter to take it down. He said that the information in the article was not uplifting or accurate. The *Eagle* stands by the accuracy of the story.

In February 2018, staff writer Haley Stack published an editorial criticizing the school’s decision to remove John Knowles’ novel "A Separate Peace" from the 10th grade curriculum. The district gave no official reason for the decision to remove the book, but Stack’s editorial raised the idea that the novel’s homoerotic undertones were a possible cause. The editorial was online for over a week before Burdett ordered it taken down, citing grammatical errors and the idea that it was not positive or uplifting. According to the *Eagle*, there were two grammatical errors: a missing apostrophe and an extra period.

Burdett then told *Eagle* staff that any articles or editorials that went against "community norms" were to be sent to him for prior approval before publication. He did not provide an explanation for “community norms.” As a result, the editorial staff sent most of their work to Principal Burdett for review prior to publication.

Several months later, on May 1, online assistant editor Neha Madhira tried to publish an editorial about a group bonding activity organized by Burdett in response to instances of school shootings across the country. The event was planned as a school-wide moment of silence and solidarity. In the editorial, Madhira described the event as “unfocused” and “chaotic.” She gave multiple examples of how the event had been ineffective and upsetting, noting that one student mocked the activity by shouting (falsely) that there would be a school shooting during the gathering, and another gave the Sieg Heil salute and loudly sang the “Heil Hitler” song during the school alma mater. Burdett blocked Madhira’s editorial from being published online, saying it was incorrect and didn’t capture the voices of all Prosper students.

Burdett then told Madhira the *Eagle* could no longer publish editorials at all. According to *Eagle* staff, this policy remains in place.

In the midst of these publication restrictions, this spring, award-winning veteran journalism adviser Lori Oglesbee-Petter was informed that her contract would not be renewed.

In football terms, *Eagle Nation Online* is a national powerhouse. But instead of congratulations and support for his team’s truly remarkable achievements, Principal Burdett has rewritten the team’s playbook, thrown unwarranted penalty flags all over the field and canned the coach with her near-perfect record.

Current PHS policy pushes the bounds of Constitutionally permissible behavior.

Although it sometimes goes unappreciated, a school is a government agency and censorship by school authorities is a direct challenge to students’ First Amendment rights. The U.S. Supreme Court set a “floor” for the legal protection of student journalism in its 1988 ruling, *Hazelwood School District v. Kuhlmeier*. In that case, the Court ruled that a school may lawfully censor the work of student journalists if it meets the burden of demonstrating a justification that is “reasonably related to legitimate pedagogical concerns.” Although the Court did not specifically
define what “legitimate pedagogical concerns” means, lower courts have clarified that, even after *Hazelwood*, schools may not use their authority over student publications to deny information to the public purely for purposes of public-relations image control.\(^1\)

We have reviewed the article and editorials which Principal Burdett deemed unsuitable for publication in *Eagle Nation Online*, and they are of the sort that are published without incident in student journalistic publications around the country. The students have obviously put considerable time, thought and research into crafting these pieces, and they are entitled either to see those articles published or to receive a reason for censorship that is legally justified.

Like any government agency or any community, PHS benefits from a healthy civic climate in which students or other members of the community feel safe “blowing the whistle” when concerns arise, even if the leadership would prefer not to have differences aired in public. Just as we would bristle at living in a community in which the government could decide whether criticism of government programs was permissible, the same is true for a school community. Schools should enable students to provide constructive criticism and voice their opinions - even if it is sometimes uncomfortable to hear.

School administrators must remove themselves from reviewing student journalism that involves the image or reputation of the school, as the administration faces an ethical conflict in serving as both the subject of news coverage and its editor. This contravenes basic journalistic ethics. Indeed, forcing students only to publish positive and uplifting stories about the school reeks of promoting “fake news” and seeks to prevent students from engaging in critical thinking, investigation and a variety of other core journalistic values.

Besides being legally doubtful, an order to censor these articles and ban student editorials is, as a practical matter, self-defeating and shortsighted. It is not possible in the year 2018 to keep stories of public interest and concern a secret. As we have seen time and time again, censorship not only fails to keep news from reaching the public – it amplifies and magnifies that news when it is exposed.\(^2\) In fact, in the days since we were made aware of the events at PHS, news media from around the region have picked up the story and exposed the censorship at PHS.\(^3\)

Your students have shown commendable restraint in attempting to “work within the system” and not running immediately to an off-campus website to publish their work, but if the newspaper continues experiencing censorship of this kind, the best and brightest students inevitably will “vote with their feet” and take their work to off-campus outlets, where they will receive none of

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\(^1\) See, e.g., *Dean v. Utica Community Schools*, 345 F.Supp.2d 799 (E.D. Mich. 2004) (article about liability suit could not be removed from student newspaper, even under *Hazelwood*, on the grounds that it reflected unfavorably on the school’s image).

\(^2\) To cite one example, after a high school principal in Fauquier County, Virginia, censored an article that described a drug-abuse fad sweeping area schools, *The Washington Post* prominently featured a story about the censorship and uploaded the censored articles to its website, one of the most-viewed sites in the world, where it was read many thousands of times more than it would ever have been seen in a student publication. Moriah Balingit, *A principal yanked a drug article from a student newspaper, so it ran online*, *THE WASHINGTON POST*, April 5, 2015.

\(^3\) This includes stories in the *Dallas Morning News*, *WFAA News8* and *NBC 5* in addition to dozens of Tweets and posts on social media.
the mentorship and oversight that they do in your newsroom. This will be a lose-lose situation for everyone.

Finally, we are deeply concerned about the removal of Lori Oglesbee-Petter from the PHS program. Ms. O, as she is known, is a beloved educator who has been repeatedly recognized for her high achievement in the profession. In addition to being named the Texas Journalism Teacher of the Year in 2005, Ms. O was named the National Yearbook Adviser of the Year by the Journalism Education Association. Her students have won hundreds of awards, thanks to her careful tutelage and guidance. She is a master teacher, having designed model curricula and contributed widely to the profession.

There is no doubt that if Ms. O were PHS’ football coach, named the best in the country by other coaches, district officials would be falling all over themselves to sign her to a long-term contract instead of showing her the door. Taken together with the growing intolerance of PHS administrators for independent student journalism, Ms. O’s removal from Prosper High School is deeply troubling.

We urge you to intervene in the situation at PHS. Allowing a principal to hijack the student newspaper to turn it into a public relations vehicle, quash student voices and opinions, and then essentially fire a teacher at the top of her profession who refuses to make her students publish a false representation of the school completely undermines any pretense of journalism and civics education. We hope you will allow your students to use the newspaper’s opinion page — and the newspaper as a whole — as it is meant to be used: as a vehicle for young people to engage on issues of civic, social and political concern. Using governmental censorship authority for such image-control purposes is forbidden by the First Amendment and moreover, is bound to backfire.

We hope that you will reconsider these educationally unsound decisions and we would be pleased to work with you and/or with your school district on developing a balanced publications policy that avoids discord by clearly providing students with the right to, legally and non-disruptively, air their views on matters of public concern in student media, with reasonable “fail-safe” boundaries for speech that is defamatory or otherwise harmful.

We thank you for your public service to education, and for your kind attention to this matter.

Sincerely yours,

Hadar Harris
Executive Director, Student Press Law Center, on behalf of the undersigned organizations
American Society of News Editors
Associated Collegiate Press
Association of Alternative Newsmedia
Associated Press Media Editors
The Brechner Center for Freedom of Information at the University of Florida
The Center for Scholastic Journalism at Kent State University
College Media Association
Freedom of the Press Foundation
Journalism Education Association
National Coalition Against Censorship
National Council of Teachers of English, Intellectual Freedom Center
National Scholastic Press Association
The NewsGuild-CWA
PEN America
Radio Television Digital News Association
Society of Professional Journalists
Student Television Network
Sara Stone, Ph.D., Chair, Department of Journalism, Public Relations and New Media, Baylor University (in her individual capacity).