



August 13, 2021

Superintendent Heidi Wilson  
East End School District  
114 West Panther Drive  
Bigelow, Arkansas 72016

Via email (hwilson@bigelow.k12.ar.us) and fax (501-759-2667)

Dear Superintendent Wilson:

The Student Press Law Center (“SPLC”) writes to express our serious concern over recent events involving the journalism program at Bigelow High School. Founded in 1974, the Student Press Law Center is an independent nonpartisan 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.

As we understand it, school officials made the ill-conceived decision to remove a two-page spread in the yearbook following publication. The spread outlined important world events that took place during the 2020-2021 academic year, including the 2020 election, the impact of COVID-19, the death of George Floyd, and more. The reason cited for the removal of the already-published content was that school officials were at the receiving end of “community backlash” over the yearbook spread. We are aware that the yearbook adviser made the difficult decision to resign as a result of this censorship.

Student journalists have First Amendment rights that their schools cannot lawfully override. The U.S. Supreme Court set a “floor” for the legal protection of student journalism in its 1988 ruling, *Hazelwood School District v. Kuhlmeier*, and said that school officials have to demonstrate that their censorship is “reasonably related to legitimate pedagogical concerns.” Although the Court did not specifically define every reason that could qualify as a “legitimate pedagogical concern,” lower courts have clarified that schools may not use their authority over student publications to deny information to the public purely for purposes of public-relations image control.<sup>1</sup>

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<sup>1</sup> 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).

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Additionally, as you are no doubt aware, Arkansas is one of the 14 states that has passed a law granting student journalists protections beyond those required by the First Amendment.<sup>2</sup> As a result, your Bigelow High School students have heightened protection for their works of journalism, and Bigelow school officials have to meet a much higher standard than “community backlash” before they are allowed to censor.

It is painfully clear that you did not remove these pages from the yearbook for any legally justifiable reason. In fact, even the legally dubious reason you gave about the so-called “community backlash” failed to hold up under closer scrutiny. A public records request served on your office seeking any records reflecting any “community backlash” against the yearbook turned up nothing. As you stated yourself in [your reply](#), an “extensive search” did not yield anything responsive. In case you happen to now locate any documentation which would support your claim of a “community backlash,” we would like to see that immediately.

There is significant national interest in this case. You may have noticed that in addition to the Censorship Alert that SPLC has issued, the National Coalition Against Censorship, the Columbia Scholastic Press Association, the Journalism Education Association and the National Scholastic Press Association have also published information about the case. You may be hearing from them soon. In addition, local press has started to cover the story.

There is no true way to make these students or the former adviser whole after this unlawful and insulting display of censorship, but we strongly suggest that the following steps be taken to ensure this does not become a larger issue:

- By September 15, 2021, the East End School District should reprint the pages of the yearbook that were removed (the year-in-review spread) in color, and distribute them, along with a formal, public written apology from the Superintendent. The apology should be addressed to the yearbook staff and the now-former yearbook adviser Meghan Walton, recognizing the rights of student journalists and acknowledging that the removal of the pages was wrong. The apology and the reprinted pages should be distributed to the entire Bigelow High School community (not only the people who purchased yearbooks.) This is in lieu of reprinting and redistributing the entire uncensored yearbook.

We strongly believe in the power of student voices and the independence of student journalists. As an organization dedicated to promoting, supporting, and defending the rights of student journalists, we believe -- as you surely do -- that the work of the free press is an integral part of our democracy. In its recent opinion upholding the First Amendment rights of students to speak free of administrative control, the U.S. Supreme Court said that our nation’s schools were “nurseries of democracy,” charged with instilling in our next generation an appreciation for the rights we hold dear.<sup>3</sup> Having Bigelow High School students witness government officials physically ripping otherwise lawful pages from the student yearbook is, I hope we can agree, a lousy civics lesson. We urge you, as professional educators, to take this opportunity to fix that.

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<sup>2</sup> Arkansas Student Publications Act, A.C.A. § 6-18-1201-1204 (as amended).

<sup>3</sup> *Mahanoy Area Sch. Dist. v. B.L.*, 141 S. Ct. 2038, 2046 (2021).

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Hadar Harris', with a stylized flourish at the end.

Hadar Harris  
Executive Director

Cc: Ms. Heather Fulmer, President, East End School District Board of Education  
Ms. Toni Lancaster, East End School District Board of Education  
Mr. Chad Starr, East End School District Board of Education  
Mr. Brandon Akridge, East End School District Board of Education  
Ms. Shelley Tienken, East End School District Board of Education  
Mr. Jeff Gifford, Principal, Bigelow High School