

**SCHOOL DISTRICT
ADVOCACY TOOLKIT
FOR STUDENT PRESS
FREEDOM**

INTRODUCTION

In 1988, the U.S. Supreme Court declared in its *Hazelwood School District v. Kuhlmeier* decision that school officials could restrict student press freedom when “reasonably related to legitimate pedagogical concern.” **Unfortunately, they did not make clear what a legitimate pedagogical concern was.**

In the years since, student journalists, advisers, and other supporters have fought to end the censorship of student media and clarify the circumstances under which it is appropriate for student journalism to be restricted.

Some fight back when they are censored by school officials (and if you have been censored by a school official, you should contact the Student Press Law Center’s **legal hotline**). Others work with their state legislators to pass New Voices legislation restoring and protecting student press freedom.

And others work to bring student press freedom to their communities by working with their school boards. That last group? This guide is for you.

Your school district media policy is a great place to protect student press rights for you and your peers.

Not only does your school district policy have a direct impact on you as a student journalist everyday, but it also helps to establish stability and consistency for your student media programs when new administrators or advisors enter your school.

And, while a state New Voices law is still the strongest tool to protect student press freedom, by taking the actions in this guide, you could see student press freedom for all the schools in your community sooner than you expect.

This guide will give you all the basic tools you need to protect and expand student press freedom in your school district, but the Student Press Law Center is here to help at any time, no matter how small or how complicated your questions.



**WRITE THE STORY
WE'VE GOT
YOUR BACK**

*If you would like to talk more about how you can pass student media protections in your community, contact our Advocacy and Organizing Director, [Hillary Davis](#). And if you have media law questions or believe you are being censored, you can always talk with our free, confidential **legal hotline**.*

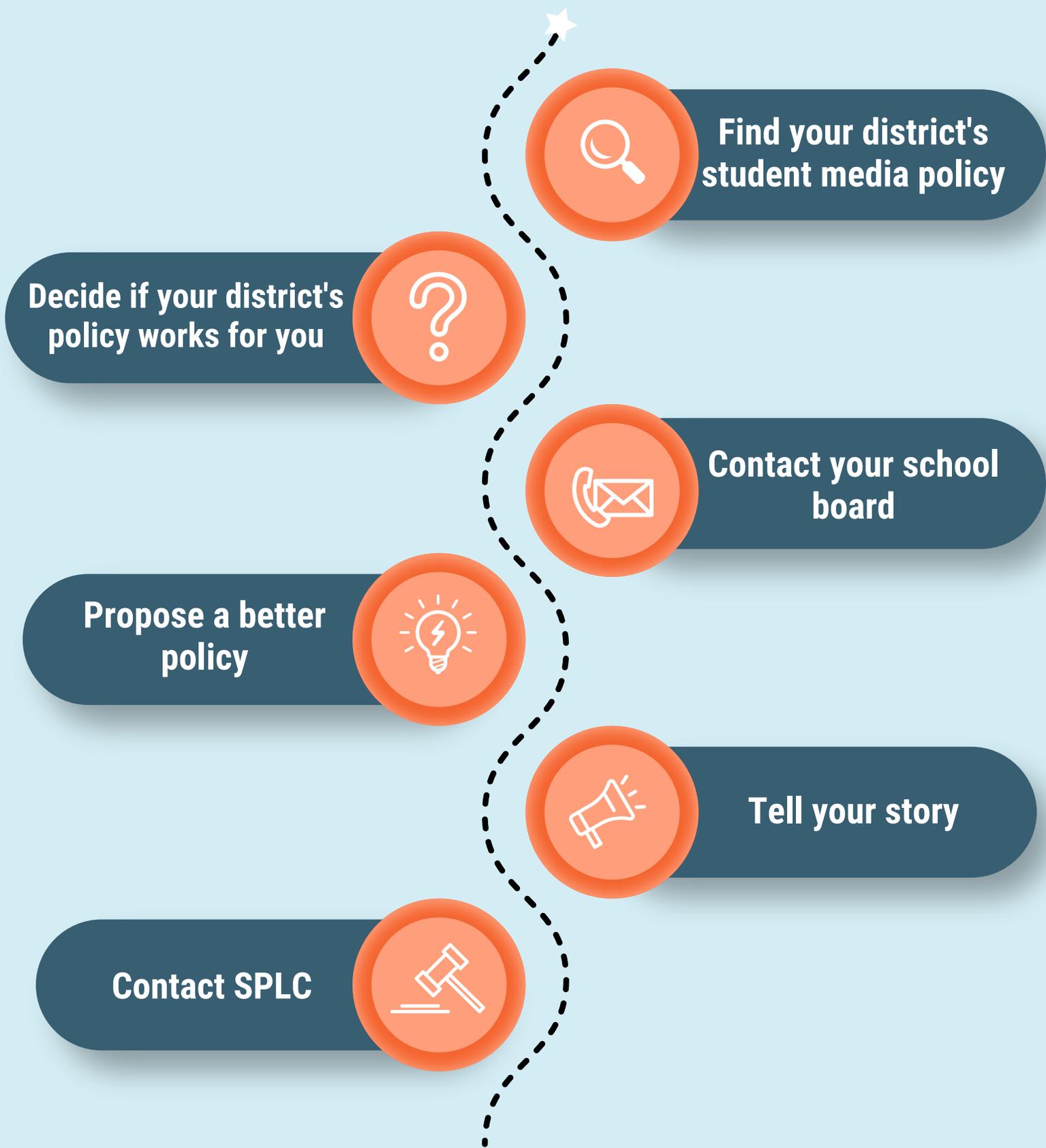
HOW DO I PROTECT STUDENT PRESS FREEDOM IN MY SCHOOL DISTRICT?

Whether or not your state has a student press freedom law, **you can protect and expand student press freedom** in your community by working with your school district board or committee.

More so than school specific policies, your district policies can help prevent censorship of your school newspaper, yearbook, and broadcast beyond administration changes.

If you have a supportive administration, your district's policy can make sure your rights don't change if your administration does. And if you do not have a supportive administration, your district's policy can make sure they cannot censor you for arbitrary reasons.

Protecting student media can sound like a daunting task, but you can break it into small, easy tasks and take them one at a time. **Click on the buttons below to go directly to each task.**



FIND YOUR DISTRICT POLICY

1

What should I know before I start?

2

How do I find my school board?

3

How do I find my school district policies?

4

What if my district policy is not online?

Find Your District Policy

1. Before you start: know your state's press freedom law!

Your state law may already protect your rights, and your school district may be violating state law if they do not have a student media policy or they have one that conflicts with the law.

PROTIP: If your district's student media policy is older than your state's law, your district policy likely violates the law

As of January 2023, 16 states have laws protecting student journalists from censorship. These laws vary, but most say that student journalists determine the content of student media, and that you cannot be told what to cut from or include in your student media except in certain extraordinary circumstances. Some state laws also protect your advisers from punishment for refusing to censor you. *Check to see if your state has a New Voices Law [here](#).*

Several states also **require** school districts to have a written policy protecting your student press freedom rights. If you live in one of these states and your school district does not have a written policy, they may be unintentionally violating the law and your intervention may keep them from costly and embarrassing legal battles later. These states are California, Hawaii, Iowa, Maryland, Nevada, New Jersey, North Dakota, Oregon, Rhode Island, Vermont, and Washington.

If your state does not have a student press freedom law, you can help change that by reaching out to us [here](#), and get more information about New Voices [here](#).

Next, you'll need to find your district policy and see what it already says. Most policies can be found online.

2. How do I find my school board?

PROTIP: Not every school district governing board is named the same thing. They may be called the board of education, the school board, the board of regents, or something else. If they make policy — and it should be clear from their website — that is who you want.

Some school district governing bodies have their own website. If so, you'll easily find it by searching for "[your school district] board of education."

If not, virtually every school district has their own website, and the governing body generally has a clear tab on that website.

This website will likely have your school district's policies, the name and contact information of your school board members, and a list of their upcoming meetings.

PROTIP: Many states have school districts with the same name. Double check to make sure you're looking at your own district.

3. How do I find my school district policies?

School district policies are generally available on your school district or school board website. They may be labeled as "School Board Policies," "Policy Manual," "Bylaws and Policies," or something similar. Regardless, they are PDFs, lists of policies, or external websites containing many — and ideally all — of the policies that your school district must follow.

Policies may also be directly linked to the school district main page.

Policies may be listed in Sections. Your media policy is likely under the "Students" or "Program" section. This may take a bit of browsing. Look for something along the lines of "School-Sponsored Publications" or "Journalism" for your policy.

Some policy books have a search feature to look up keywords. Here, looking up "publications," "journalism," or "school-sponsored media" will usually find your district policy.

PROTIP: If your district has an "independent publications" policy, that is likely addressing publications made by individual students and not school-sponsored student media like yearbooks, newspapers, broadcast or literary magazines. Read it carefully to confirm if it applies to you.

4. What if my district policy is not online?

There are two possibilities: either your district does not list all of their policies online, or they do not have a student media policy at all.

School district policies are public record. In general, your school district is required to give them to you when you ask. If you ask for a policy that does not exist, they are generally required to tell you there is no such policy.

If your district does not appear to list all of their policies online, an informal request for the relevant records should be enough to get the information you want. Just asking the appropriate school or district official, like your principal or superintendent, should be all that it takes. Reaching out to a school board member to ask for a copy of the policy can also be a great way to get your advocacy started.

If your informal request is not successful, you may invoke the power of your state's open records law by making a formal request in writing. You can use the [SPLC's letter generator](#) to file an open records request. If you do file an open records request, set up a reminder for yourself to reach out to SPLC if you have not received a copy of the policy within 10 days.

PROTIP: You don't have to have a district policy, or proof that there is no policy, to start on your advocacy.

STATES WITH NEW VOICES



- Arkansas
- California
- Colorado
- Hawaii
- Illinois
- Iowa
- Kansas
- Maryland
- Massachusetts
- Nevada
- New Jersey
- North Dakota
- Oregon
- Rhode Island
- Vermont
- Washington

DECIDE IF YOUR DISTRICT POLICY WORKS FOR YOU

1 What does a good policy look like?

2 What should I look for in my district's policy?

3 How do I know if my policy should change?

Decide if your district policy works for you

1. What does a good policy look like?

The Student Press Law Center has a [model policy](#) protecting student press freedom on our website. Hold on to that; you'll want it later.

The SPLC's model policy is a comprehensive, ideal version of what your student media policy should say. Your policy might be shorter or longer, but what is important are the protections that it affords to you as a student journalist.

2. What should I look for in my district's policy?

Student media policies can be wordy, so here are some key things to look out for as you read through your district policy:

- Who is in control of student media?
- What is considered school-sponsored student media?
- What does it say about prior restraint or prior review?
- When does it say student media can be restricted?
- Does it protect your adviser?
- Is there an appeals process if you are censored?

3. How do I know if my policy should change?

If you believe that your policy affords you as the student journalist control over the content of your publication and ensures that you can publish what you want (keeping in line with media law and journalistic ethics) without intervention by school or district officials, your district policy may be sufficient. You can then educate your newsroom and your school officials about what that policy says, and ensure that your school officials are abiding by it. If they do not follow your district's reasonable policy, you can contact the SPLC's free, confidential legal hotline at any time at splc.org/legalhelp.

If your student media policy:

- gives anyone other than student journalists final control over the content of your publication;
- contains restrictions on your speech that are vague or you believe are overbroad;
- is confusing;
- is so old it does not clearly cover the forms of student media in your school; or
- Just does not exist; then

it is time to update that policy.

If you are not sure, you can contact the SPLC's advocacy and organizing team at any time by emailing us at hdavis@splc.org.

CONTACT YOUR SCHOOL BOARD

1 How do I contact school board members?

2 What should I say?

3 How do school board meetings work?

4 What should I expect at a school board meeting?

5 What should I say in a public comment period?

Contact your school board

1. How do I contact school board members?

You can approach your school board one of two ways: individually or as a group. There is no right or wrong choice. Contacting school board members individually means you can have one-on-one dialogue with them on your own time. Contacting members in a group setting means everyone hears the same discussion and it is in a public forum. You can do whichever makes more sense to you.

Many school boards list their members' email addresses online. This is an easy way to contact them on your time. There is information earlier in this guide about how to find your school board's website.

If you cannot find their email addresses online or would prefer to address them all at once, you can attend a school board meeting. Many school board meetings have an open period of time for members of the public to make comments on any issues of concern. Check your school board's agenda to see if they have such a period.

2. What should I say?

Your first connection with the school board members can be very simple. You need to tell them your name, what school you go to, the issues with the current student media policy (or lack thereof) and why these issues matter to you. You can — but do not have to — talk about any specific issues you have faced that a new policy would have prevented. Then you can either propose a specific policy or say that you look forward to working with them to craft a new and better policy. If you are connecting with them individually, make sure you leave your contact information and let them know you will be following up. **Here is a sample email script:**

Dear Mr/Mrs/Ms. [last name]:

My name is [your name] and I am a student journalist at [school name]. As a student journalist, I am concerned by our district's existing school-sponsored media policy. Under this policy, I work every day with the concern that my well-researched, ethical, and honest work could be censored for any reason. I am writing to ask for your help in adopting a new policy, in line with school districts across the country, that protects the press freedom of student journalists and allows us to write without censorship, except in certain important circumstances. I have attached a copy of a draft policy, and

would like to speak with you further about my experiences as a student journalist and why the existing outdated policy no longer serves the students, teachers, administrators or parents of [District] School District. Are you available to speak sometime next week? Thank you for your attention to this matter; I look forward to speaking with you soon.

Sincerely,

[Your Name]

3. How do school board meetings work?

School boards meet regularly — some once a month, some more often. These meeting dates and times are usually set at the beginning of the school year and you can find them online.

Many school board meetings involve a public comment period in which community members can raise new issues. This means you have a number of predictable opportunities to engage with your school board around student press freedom. You may only have one or two minutes to speak during this period.

As school boards are required to post their actions in advance, they will likely not take up your issue at the same meeting in which you first mention it.

4. What should I expect at a school board meeting?

School board meeting agendas are set in advance. They are public records, and are usually available online at least 24 hours before the meeting begins. You can take a look in advance to see what topics will be covered, and how long the meeting will take.

Arrive to the meeting a little early and ask the clerk or staff person if there is a sign-up sheet for the open comment period. You can also ask if they expect there to be a limit on how long you can speak. It is often around two minutes.

Note that there may be a comment period for issues on the agenda, and another one for open comment. If you are not sure which one you are signing up for, the clerk can tell you.

The meeting is run in by the Chair, and often begins with the Pledge of Allegiance. Then the school board will follow their agenda. There may be many discussions and votes before they get to you.

During the open comment period, members of the public will speak on a number of topics. Your comments may be quite different from the people who come before and after you; that is fine.

PROTIP: School board meetings can be LONG. Bring a sweater, a power bank, a book, a small snack, and anything else you think you'll need to get through a few hours.

5. What should I say in a public comment period?

We've included some extensive talking points at the end of this document, but the most important thing is that you explain to your school board members what the policy currently says, what you want to have happen, and why this matters to you. Remember to say your name and the school you go to. Thank the Chair and the members of the committee for your time.

PROPOSE A BETTER POLICY

- 1 What should my proposed policy say?
- 2 What should I do next?

Propose a better policy

1. What should my proposed policy say?

At the end of this document is a proposed policy for you to hand to school board members at any time. This is a model, and you can edit it to meet your district's needs.

If nothing else, your proposed policy should say the following:

"Student journalists determine the news, opinion, feature, and advertising content of student media. There shall be no prior restraint of school-sponsored student media unless that media contains material that:

- a) Is libelous or slanderous;
- b) Constitutes an unwarranted invasion of privacy;
- c) In obscene;
- d) Violates federal or state law; or
- e) So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of a lawful school district policy, or the material and substantial disruption of the orderly operation of the school."

2. What should I do next?

Now that you've made your ask, your job is to keep pressure on your school board. This is your opportunity to be creative and work with the tools you have at your disposal.

Here are a number of options:

1. Continue attending and speaking at board meetings.
2. Recruit other students, student journalists, parents and community members to speak at board meetings in support of your proposal.
3. Email or call the board members at regular intervals to ask about your proposal.
4. Invite board members to your newsroom.
5. Share your work with the board members. Send copies of your publications. Tell them about your awards.
6. Write op-eds in your local news outlets.

7. Talk about your efforts on social media.
8. Hold public forums of your own about student journalism, and invite board members.
(Student Press Freedom Day is a great day for that!)
9. Have a letter writing campaign or circulate a petition.
10. Work with the Student Press Law Center to investigate if there are ways to force action on your proposal.

Tell us what you do so we can signal boost your efforts and share your successes with other student journalists! Tag us on social media or reach out to our Advocacy and Organizing Director Hillary Davis at hdavis@splc.org.

GO TELL YOUR STORY

1 What are good arguments for student press freedom?

2 What opposition can I expect?

Tell your story

1. What are good arguments for student press freedom?

When approaching your school board, it is most important that they hear from you why this matters to you. Are you a student journalist who feels supported by your current administration and wants to keep it that way? Are you concerned that you do not know the rules around what can and cannot go into your student media? Have you seen what other students are censored for and want to prevent that from happening to you? Whatever made you want to advocate for a new policy is what your school board needs to hear.

Here are some talking points for you to use as you engage in your discussions. You do not need to cover every one of these talking points — pick the ones that are applicable to your district and which you feel will resonate with your school board:

Student press freedom combats misinformation and blunts the impact of social media. Robust student media means better media literacy. In the age of rampant unchecked social media, student journalists want to ensure a thoughtful and thorough pursuit of the truths that matter to them and their peers.

Student press freedom is good education policy. Prior review has been criticized by every journalism education group in America as the wrong way to teach student journalists, and yet it continues in our district. Students cannot learn algebra if they do not test the quadratic equation, nor biology without examining the parts of a cell. This new policy will allow us to practice good journalism, with the guidance of an adviser and the structure of media law and journalistic ethics.

A student press freedom policy will help the district avoid lawsuits. To date, there has never been a libel lawsuit against any high school student journalism program. But there has been considerable confusion over what the U.S. Supreme Court meant when they determined in *Hazelwood vs. Kuhlmeier* (1988) that student media could be censored under a “legitimate pedagogical concern.” Sometimes, this has required the intervention of lawyers in expensive, embarrassing public debates between students and their schools. A clear policy about exactly under what circumstances student media may be restrained, ensuring that schools and student journalists are protected and allowing schools to intervene in the rare instance a student goes awry.

Student press freedom affects our entire school produce good journalists, lawyers, doctors, policymakers, business owners, and other civic-minded critical thinkers. Students who produce robust student media receive training in ethics, research, management, civics and critical thinking, while experiencing real-world impacts of their work. When trusted by their administration to produce the work they are trained to produce, these students leave high school with real-world experience in facing complex issues with fairness, diligence, and courage. Students who consume robust student media learn to engage with complicated concepts which directly affect them, honing their understanding of the world around them and their role in it. Yet many schools deny students that opportunity. Censorship trains students to mistrust themselves, to leave the thinking to others, to be passive consumers of only popular information, and to turn away from issues affecting their communities.

Student press freedom fosters trust and confidence in schools by providing accountability and facilitating open government. Student journalists see firsthand how their public schools are run. We know when buildings are crumbling and funds are being mismanaged, they know when teachers and administrators are engaging in inappropriate or concerning behavior, and they know the issues teens are grappling with on a daily basis. They are uniquely positioned to bring these issues to light in a transparent, fair and well-sourced manner, thus benefiting the community as a whole.

2. What opposition can I expect?

Opposition to student press freedom tends to be rooted in fear of what students will write, and lack of knowledge about the role and rigors of student journalism. Here are some common questions/arguments you may hear, and talking points for responding to them.

“Why do we need a policy?”

In 1988, the U.S. Supreme Court ruled in *Hazelwood School District v. Kuhlmeier* that school administrators can censor student publications sponsored by the school when “reasonably related to legitimate pedagogical concerns.” This vague standard has been interpreted to mean just about anything, and for more than a generation administrators have engaged in subjective and arbitrary censorship without an articulable “pedagogical concern.” Censored stories often address issues adults don’t want to discuss, are critical of the school administration, expose scandals in the school, or just make the school “look bad.”

Student journalists want to tell the stories that impact their community, both on and off campus. In an age when unchecked social media is rampant, student journalists want to ensure a thoughtful and thorough pursuit of the truths that matter to them and their peers. Yet as we lecture students in class on how to be civic-minded critical thinkers, thirty years of *Hazelwood* has bred curiosity and confidence out of our students. Today’s new voices are tomorrow’s media leaders and citizens; we cannot afford to stifle them.

“We already have a policy.”

Note: you should know before you approach your school board whether or not they have a policy, and what it says. Your response should emphasize where the existing policy fails you. Is it outdated and does not reflect the technology you use? Is it out of step with the districts around you or state law? Could stories you’ve already produced have been censored under the existing policy?

“The Supreme Court says schools can censor student media.”

The Constitution is a floor, not a ceiling. Governments, including school boards, are always able to improve upon the freedoms guaranteed to their constituents. The U.S. Supreme Court’s *Hazelwood* decision has been misinterpreted for years as allowing censorship for virtually any reason. This new policy merely provides rules and guidelines where the Supreme Court did not.

“This will mean a lot of libel lawsuits.”

Libel and other content-based lawsuits against student newspapers – and high school newspapers specifically – are extremely rare. To date, the Student Press Law Center is not aware of a single, reported court decision where a school district has been held liable for material published by its high school student media. Sixteen states have laws requiring student press freedom, and none of them has had an outbreak of libel issues. There is no reason why our district would be any different.

According to the Student Press Law Center, the vast majority of student media censorship has nothing to do with libel or slander. But because our media is being constantly reviewed, administrators often find reasons to censor our work that are much more about what they think the adults in our lives might be comfortable with.

It is also inaccurate to believe this is because school officials have stopped lawsuits. School administrators are not media lawyers and are not automatically qualified to know what libel or slander look like. If anything, schools engaging in prior review have been opening themselves up for years to criticism and accountability for student media by having a heavy hand in what is published.

Additionally, if a school district were genuinely worried about liability, they would be much better served by ending their football, cheerleading and other sports programs – which have sparked countless lawsuits – than worrying about their student media programs.

“The school is the publisher and should be able to control what is in student media.”

Schools certainly have any number of publications available to them that serve a public relations purpose, and can and will use those resources. But school-sponsored student journalism serves a

different purpose. It teaches students how to create and engage with serious, thoughtful journalism and to become critical thinkers using the environment they engage with most.

“We need to be able to stop students from bullying or harassing each other.”

Censorship is not what keeps students from engaging in such behavior. Journalistic ethics is a key part of any journalism curriculum, and advisers retain the ability to work with student journalists to ensure that their work meets these ethical standards. Further, New Voices laws allow school administrators to intervene when there is a clear and present danger that the work of school journalists will incite others to violate a lawful school policy, as long as that intervention is based on articulable facts and concerns and not just a general fear.

Ultimately, students do not spend hours in their newsroom or their evenings and weekends creating yearbook layouts in order to bully each other. Nor are advisers standing by watching students engage in such unethical and unkind behavior without intervention.

“Students have freedom of speech ... on social media.”

Unchecked social media is exactly why student media is so important to a school community. By bringing discussion of important topics out of the social media shadows, student media allows for age-appropriate discussion of these issues airing matters of local controversy in an accountable, balanced way written by and for students. It also gives school authorities an opportunity to be heard and present their side. Where social media fosters misinformation and rumor, student media is structured by journalistic ethics, media law, and the guidance of an adviser. Yet, student journalists and advisers have been penalized for taking what were open secrets and revealing the truths.

“School officials should be able to step in if students are too inexperienced to handle certain issues or the issues will be upsetting or offensive to the school community.”

Students’ daily lives are full of complex issues and incidents that are upsetting to the school community or might offend some individuals. Barring them from discussing these topics does not change that. It has never been possible to keep students from being exposed to upsetting or offensive information by tearing pages out of newspapers or yearbooks; it is even less so in the age of smartphones and virtual home assistants. And, school officials can still intervene in some circumstances.

“Why should students have the right to put out typographical errors and substandard work?”

New Voices laws expressly state that advisers can teach appropriate standards of English and journalism. Advisers can and do work with their students to ensure the work is quality and ready for publication. And everyone can understand the feeling of their work having gone out with a typo or two.

CONTACT SPLC

You do not need to do any of this on your own.

At any point in this process, the Student Press Law Center stands ready to help. Email our Advocacy and Organizing Director Hillary Davis at hdavis@splc.org if you need to talk through your strategy, want us to check your public comment statements, are getting pushback or silence from your Board, or simply want to check in on what other districts have done.