**Handout 2:**

**Commentary 1:**

*“By a school district official prior reviewing the content prior to publication, the administration can find problems before the publication is released.”*

• When administrators support student freedom of the press, they can protect themselves from lawsuits, according to Yeo v. Town of Lexington. This decision says schools are most protected from legal liability when they leave content decisions to students.

• Schools practicing prior review face increased legal liability for content control according to the Center for Scholastic Journalism at Kent State University.

**Commentary 2:**

**“But as the school administrator, I must make sure everything is correct in the publication, so prior review is good to do.”**

OR

**“The administration is responsible for anything created at the school. Prior review is necessary.”**

• For the same reason school administrators don’t conduct chemistry experiments or play quarterback, sound educational outcomes come from allowing student journalists to make content decisions – and not the administration or the adviser. Pertinent court decisions include Tinker, Hazelwood, Bethel, Morse, and Dean.

**Commentary 3:**

**“According to the Hazelwood case, we have the right to control content.”**

• Seven states have enacted statutes that provide even stronger protection for public student journalists: Arkansas, California, Colorado, Iowa, Kansas, Massachusetts and Oregon. California also has enacted anti-retaliation legislation to protect teachers from being disciplined for refusing to control content.

• If your state isn’t one of the seven anti-Hazelwood states, administrators don’t have carte blanche in censorship. If the publication is a designated open forum by either policy or practice, public school students do have First Amendment rights. Private school students have these rights if their school has extended them.

**Commentary 4:**

**“Why should students have freedom of expression?”**

• The Journalism Education Association (jea.org) has adopted strong policy statements that endorse student freedom of expression. Other national scholastic journalism organizations such as the Columbia Scholastic Press Association, National Scholastic Press Association and Quill and Scroll also have policies against prior review.

• No regional scholastic journalism organization accepts or approves of prior review as an educational tool. In fact, most have statements reflecting the lack of educational value attached to prior review, according to the Center for Scholastic Journalism at Kent State University.

• Students can “Make a Difference” in their school and community. By empowering student voices, students can and do tackle issues of importance to the school and community and make an impact.

• Teaching news literacy develops critical minds, encourages active citizenship and meets Common Core state standards

• In some states, prior review and prior restraint may prevent students from earning recognition for their work, which includes awards and scholarships.

**Commentary 5:**

**“If you’re really teaching ‘real-world’ journalism, then as an administrator I’m only acting like the publisher of a media outlet.”**

• An administrator or adviser is an agent of the state, which means this statement confuses non-parallel functions according to “A Closer Look at Prior Review.” Because of basic Freedom of the Press as guaranteed in the First Amendment, the press and government should be independent and not governmentally controlled. Additionally, once a government establishes an open forum, it cannot dictate content or direction.

• When administrators cite this as a valid prior review argument advisers should state this action is similar to your local mayor reading and approving content prior to publication in commercial media.