***Note to teacher: All answers are in italics***

Student notes for Student Press Law Center’s Media Law Presentation: Press Freedom

SPLC’s phone number: *703 807-1904*

SPLC’s website: *splc.org*

Slide 5

Some examples of direct censorship are:

*When school officials cut a story, photo, broadcast, etc.*

Some examples of indirect censorship are:

*Suspending student journalists for covering a story; cutting a journalism class; firing or reassigning an adviser*

Slide 6

Define each of the roles of a free press:

• Creating an informed citizenry (marketplace of ideas)

*Protector of the truth, ideas and opinions are debated and tested.*

• Watchdog

*Prevent abuses of power*

• “Conscience of society”

*bring about social change*

Slide 8

Five freedoms guaranteed by the First Amendment are:

• *Religion*

• *Speech*

• *Press*

• *Assembly*

• *Petition*

Slide 9

True or False: Public and private schools both have the same First Amendment legal protections.

*False*

Why or why not?

*Private school officials are not government officials*

Slide 10

Private school student media may be protected by

• *State Constitutional protection*

• *Contract law*

• *Public pressure*

Slide 13

Public school officials do not have *unlimited authority* to censor.

Slide 14

“Publisher myth”: Take a moment and outline the one applicable to you (public or private).

*See slides for options*

17

The Tinker V Des Moines (1969) case is cited in almost all legal opinions involving student free speech rights. This case established that students and teachers do not “shed their constitutional rights to freedom of *expression* or *speech* at the schoolhouse gate.

18

The Tinker standard established: Speech that invades the rights of others and speech that creates a material and *substantial disruption* of normal activities are exceptions to this.

19

Other unprotected speech areas are:

• Libel

• Invasion of Privacy

• Copyright Infringement

• “Fighting Words”

• Speech that creates a clear and present danger

• Speech that presents a clear and immediate threat to national security

• Obscenity

20

An example of a “Material and Substantial Disruption” is

*class walkout*

23:

This case significantly reduces the level of First Amendment protection:

*Hazelwood School District v Kuhlmeier (1988)*

26/27

In the Hazelwood case, the Court said the school officials could demonstrate a reasonable *pedagogical concern* for their actions.

29

Three examples given of a reasonable educational justification include

• *poorly written*

• *inadequately researched*

• *ungrammatical*

*• inconsistent with the shared values of a civilized social order*

31

With that said, Hazelwood’s reach is not unlimited. It applies only to *school-sponsored* speech.

32

It does not apply to “*public forum*” student media. This is established based on who is making the *decisions*.

33

Administrators may not censor just because they *disagree* with the viewpoint of an article.

34

Dean v Utica Community Schools (2004)

This case leaves no *doubt* that high school journalists retain First Amendment protection.

38

Even if the publication is not a limited *public forum*, censorship was “unreasonable” under Hazelwood.

39

Five factors that established the students and not school officials were responsible for content include

• *Degree, type of administration or faculty control*

• Written policy statements

• *School’s practice with respect to forum*

• Curricular/extracurricular nature of student media

• *Nature of the property at issue and its compatibility with expressive activity.*

40

List three reasons censorship was “unreasonable” under Hazelwood:

• *10 options for this answer exist -- see slide.*

•

•

43

Some states have anti-*Hazelwood* laws and regulations. Name three

• *Arkansas, California, Colorado, Iowa, Kansas and Massachusetts*

*• other states with some protection include Pennsylvania and Washington*

•

44

For sample policies, see *splc.org*

52

Seven ways to fight censorship include

• Practice sound journalism

• *Pick your battles wisely*

• Do your homework

• *Meet with censors*

• Use the court of public opinion

• *Consider alternative media*

• Consider your legal options