Promoting Scholastic Press Rights Legislation: A Blueprint for Success

INTRODUCTION

Educate, advocate, empower: The mission of JEA's Scholastic Press Rights Commission is clear, active and powerful – the same traits we look for in successful school journalism programs. As the commission looked to put its mission into action, it worked to honor requests from a number of advisers across the country who asked the SPRC to compile information about state legislation in order to help those interested in enacting laws to protect student media freedoms.

Drawing from a number of excellent sources, such as the Student Press Law Center's 1990 legislation guide and materials created for past and current state legislation campaigns, the commission created the following "blueprint" for advisers, students and citizens who want to move forward with a legislative action plan.

Even if successful legislation is not achieved, those who have participated in the process agree that it is an incredible opportunity for civic engagement, especially for students. It allows them to experience the legislative process and to know that they, as individuals, can make an impact.

When state legislation is not a feasible option, there are a number of ways to effect change at the local school-board level.

"Not all student free expression laws are the same and no student free expression law is perfect. Each of the existing state student free expression laws, however, is an improvement on the status quo in the wake of Supreme Court decisions limiting the First Amendment."
– Student Press Law Center

The legislation blueprint includes:

1. Important steps to take in a legislative action plan;
2. Talking points on common student media misconceptions;

3. Resource links;
4. Sample expression laws and recommended language;
5. Sample news release; and
6. Acknowledgements.

This blueprint is intended to be a general guide, given that every state is different. The one common component will be stamina. The legislative process may take more than a year; compromises may be necessary, but at least seven states have successfully secured greater media freedoms for student journalists.

IMPORTANT STEPS TO TAKE IN A LEGISLATIVE ACTION PLAN

STEP ONE: Develop a core group.

It would take a miracle to get a bill passed with individual supporters acting independently of each other. Student free expression legislation, and the lobbying that goes along with it, requires organization. Individuals who want to see student media protections in their state should form a coalition to support such a law.

The core group must also clearly develop the case for the legislation and be able to show concrete reasons for why it is needed. Supporters should compile examples of censorship *in their state* – arguing in the abstract is often ineffective and makes the legislation vulnerable to criticism that it is a "solution in search of a problem." Part of the advance groundwork in some states may be developing a method to track instances of local censorship, and encouraging students and advisers to report them.

The effort to build a coalition in any state should begin by identifying groups and individuals with a strong interest in the legislation. An ideal group for the core to organize around is a state high school media association or a state chapter of a journalism advisers' group such as the Journalism Education Association. The institutional nature of these organizations allows them to follow a student free expression legislation effort over time.

Another advantage of drawing on such groups is that they are composed primarily of high school media advisers who work closely with student journalists and witness school administrators' censorship firsthand. Advisers are also often direct victims of censorship, sometimes even losing their jobs for confronting administrators on behalf of student journalists' rights.

At this initial stage, it also is vitally important to involve students and their organizations. College as well as high school journalists should have an opportunity to participate in the legislative process from the start. Student involvement is crucial to establishing the need for the legislation. And student journalists, of course, will be most affected by the legislation. If it appears they are disinterested in legislation that protects or expands their rights, others – including state legislators – may see little reason to be interested themselves. In addition, participation in a coalition designed to pass legislation is an opportunity for students to learn more about the legislative process. Like student journalism itself, this process will be an opportunity for citizenship education.

While it is important to have a strong core group behind the legislative effort, it also is important to avoid growing too rapidly at this early stage. Bringing in too many organizations early can set up the possibility of internal disputes that may sink the effort before it gets off the ground. This core group will be expanded later, so it is best to keep the group relatively small and of a like mind as to the goal of the legislation.

It is crucial to establish a strong communication component, with one or two individuals taking on this task. This involves keeping up-to-date lists and contact information so members of the core group can be contacted quickly and efficiently with news, information and upcoming activities. It may require setting up a website and coordinated use of social media.

STEP TWO: Find a sponsor.

One of the most crucial steps is finding a sponsor to introduce a student free expression bill and shepherd it through the legislative process. The ideal situation would be to contact a state legislator who already has expressed an interest in the issue or has some special relationship to the world of student journalism. Otherwise, legislators who have favored student rights in other instances or who are strong free-speech advocates are possibilities for sponsorship.

It's also vital to find the *right* sponsor. A legislator who is only willing to sign his/her name to a bill, but not expend any political capital to pass it, is not an ideal sponsor. Also keep in mind that some legislators have greater political influence than others, and that some are known to be consensus-builders while others are not. A good sponsor will also remain in communication with key supporters throughout the process.

Be able to explain to potential sponsors clearly and succinctly why the bill is needed. Be up front about anticipated supporters and opponents. Consider bringing one or two students or advisers to provide compelling firsthand stories.

STEP THREE: Draft bill language.

Provide your sponsor with suggested language for the legislation. (See section four of this blueprint for options.) Particularly important are examples of enacted language from other states.

The actual drafting of legislation for formal introduction is typically done by an attorney within the legislature, often attached to a particular legislative committee. Make sure the sponsor has contact information for attorneys at the Student Press Law Center who can provide legal background information and analysis on any bill language.

STEP FOUR: Build a coalition.

Once a sponsor is on board and a bill in draft form, begin expanding your coalition of supporters to include other organizations. Keep in mind, however, that certain organizations can be more beneficial in background roles. The core group may need to be selective about other groups with which it chooses to associate. Know the political climate of your state and what kind of coalition will be most politically beneficial.

A key to pulling together others is to approach the kinds of groups that have been completely supportive in the past, and, if part of a national organization, have participated in student free expression legislation efforts elsewhere. Such groups include local chapters of the

American Civil Liberties Union, People for the American Way, the National Education Association and the Society of Professional Journalists. On the national level, these organizations also have expressed some willingness to support student free expression legislation in individual states. University and college journalism departments are another possible source of support.

Be aware that your most logical allies may not initially be helpful. For example, professional media outlets sometimes view school administrators as being in the role of publishers. Take time in advance of the bill introduction to meet with local media. Explain your position on that issue and why such legislation is important. Note that the stance of individual commercial news outlets may be different from the stance of professional journalism organizations.

Because a broad appeal for support is public, it often alerts opponents of student free expression legislation that the issue is one soon to come before the legislature. Likely opponents include local school boards, statewide and national school board associations, and possibly parent organizations.

The way to address this will differ based on facts on the ground. In some cases, it may be possible to convince these groups their concerns are misguided. Hold meetings with core group members to correct myths and explain your position. (See second two of this blueprint for talking points.)

For others, the opposite tactic may be successful: Downplay the legislation and try to avoid publicity whenever possible. While this likely won't stop formal, organized opposition, it may curb the enthusiasm of opponents and prevent misconceptions from taking hold with the general public.

If there are local school officials who have gone on record in support of a free scholastic press, enlist them. Secure their commitment to testify on behalf of the bill once it is introduced.

STEP FIVE: Find legislative allies.

In reaching out to legislators for support, the initial focus should be on legislators on the committee where the bill is likely to be referred, often the education or judiciary committee. If the bill sponsor is fully engaged, s/he may be very helpful in garnering support from fellow legislators. Pay particular attention early in the process to the committee chair, who is the one who will likely decide whether or not the bill receives a public hearing and vote. Prepare a concise, one-page statement about the bill with a list of supporting organizations that can be shared in a short meeting.

Seek bipartisan support if at all possible. Fighting censorship is not a left-wing or right-wing cause, and student free expression legislation should not be a partisan issue. Once legislators and the public begin to believe the issue is being pushed primarily by one party, that perception can be difficult to change. It is helpful to show examples of censorship of both liberal and conservative content, preferably from your state.

Become familiar with lobbyists who may either help or hurt your cause, depending on who they represent. Seek to know who they are and their motives. What are their marching orders? If they represent a sympathetic group, say the ACLU, they may be able to feed you information on where certain legislators stand on the issue, or what their concerns are.

STEP SIX: Introduce the bill.

Legislators in the core group, as well as those who join the effort in step three, will help get the bill sent to a friendly committee when possible. A friendly committee is one where the group can identify at least some support. Those who provided feedback from past efforts have discouraged bill introduction in the education committee, saying its members are too closely linked with school administrators' organizations to be very open to a proposed bill of this nature. They recommend a judiciary committee as one that might have a stronger disposition to a civil rights issue. Most states have two chambers in their legislatures, and those involved in past efforts said they selected one or the other to introduce the bill based on where they found the strongest supporters. In many legislatures, the House speaker's or Senate president's office is responsible for the committee referral process.

STEP SEVEN: Contact legislators.

Once the bill is introduced, the all-out grassroots effort starts. It may be months from the time the bill is introduced until a committee actually considers it, which gives supporters more time to build their organization and make their case. Core groups and individuals begin directly lobbying legislators who soon may vote on the bill. Some core groups can provide written information and answer questions about the bill. Teams of teachers, students and scholars can make appointments to visit each relevant legislator's office to express their hope that the legislator will support the bill. If meeting with the legislator isn't possible, they may meet with an aide. These teams should be armed with a few pages of supporting material to leave. Those who can't meet in person can call specific legislators offices to ask for support. Individuals should be encouraged to write their legislators, urging their support. Students who have experienced censorship should be prepared to share their stories – legislators are primarily interested in hearing from constituents from their own districts.

STEP EIGHT: Attend committee hearing.

Typically, a legislative committee schedules a hearing on the bill for supporters and opponents to testify. Core group members should make a special effort to: 1) Demonstrate as much support as possible for the bill by having a large number of well-mannered individuals attend the hearing clearly identified as supports (perhaps wearing the same color to show unity); and 2) select the most articulate students, teachers, commercial journalists, scholars and others to testify in support of the bill. It's helpful if supporters coordinate in advance of the hearing, assigning each person a slightly different perspective to discuss. Select people to testify from varying geographical parts of the state and from schools of different sizes so a broad base of support is clearly evident. Those wishing to testify should bring their brief remarks typed up and copied to present to both committee members and the news media.

Only a few can actually testify before the committee in most cases, and any member of the public one who signs up to testify may be called. Committee chairs may also have their own lists, prepared in advance, of people they want to call for testimony. The core group should pick the best possible representatives to sign up, especially those with stories to tell that legislators might find compelling. It is important to acknowledge that opponents of the bill will testify, and it

is important to treat them with respect. Supporters should anticipate what opponents will say and be prepared to rebut those arguments or neutralize them in advance.

After the hearing, supporters can hit the committee members hard with phone calls, office visits and letters. Group members must remember that legislators are working for them and they have both a right and obligation to tell legislators how they would like them to vote – and why.

When and if the bill comes up for a committee vote is usually at the sole discretion of the chair. This can happen as soon as the day of the hearing or many weeks later. Legislatures impose their own deadlines, which supporters should know. Check the legislature's website or your sponsor's office for upcoming hearing information.

Assuming the bill passes out of committee, the same lobbying process should occur at the next level. The core group can send out a sample letter to all the high school journalism advisers in the state scholastic press association, asking them to write their legislators in support of the bill. Journalism teachers can set aside a block of time for their students to write letters or postcards. Even student governments and debate clubs have organized letter-writing campaigns in support of free expression legislation.

Once the bill passes one chamber, it usually moves into a committee in the other chamber where the process begins again. Support must be continuous throughout all of this process. In many states, bills died somewhere along the way. Supporters had to remind themselves that losing once (or even twice) didn't mean the battle was over. When their bill died, they began planning for the next legislative session and worked to garner the support of those legislators who went against them the first time.

Conclusion

This is just an introduction to the legislative process and how it has worked in some states. Much more could be said, and other state groups might have vastly different experiences. Elsewhere in this blueprint are supporting materials and lists of individuals and organizations that have been involved in the process already or who have expressed an interest in being involved. We urge you to contact them directly if you would like to know more about their perspectives on the battle for student free expression legislation.

TALKING POINTS ON COMMON STUDENT MEDIA MISCONCEPTIONS

How much is this going to cost schools?

Absolutely nothing. In fact, it might save districts money in the long run by protecting them from legal liability.

Why shouldn't students be subject to censorship? After all, commercial journalists are subject to editing.

Editors of commercial media news are not employed by the government; the work they edit is work-for-hire. Student journalists are not employed by the school. School administrators are, in fact, government officials. The First Amendment was crafted to protect U.S. citizens from

government censorship. Student speech is protected by the First Amendment, as long as it is lawful and does not cause a "substantial disruption" of the educational process. *The Student Press Law Center provides the legal definition of what is considered, by law, to be "unprotected speech."*

Commercial journalists do not seek permission from their primary sources to publish information and, in fact, have a longstanding tradition of not letting sources see stories before publication. Administrators are primary sources for student journalists. The temptation to censor can be irresistible for administrators, especially in cases when they do not agree with the subject matter or fear that content might reflect poorly on them and their schools.

Why should we limit the censorship authority of administrators over student media produced on school time with school resources?

Allowing genuine student media outlets that provide students with a meaningful voice on issues that truly matter to them can be a threatening idea to those used to controlling the message. However, we have a First Amendment because, as a nation, we decided that free and independent media play a vital role in our democracy – even if they sometimes are messier than state-controlled media. The fact that student media is produced using school resources does not empower administrators to dictate content. Advisers and administrators are responsible for teaching students so they can make informed content choices.

Fortunately, a number of administrators don't look upon their student media as adversaries or threats. Instead, they view independent student media as important school assets. They see the value in providing students with forums to express their concerns, and recognize the educational opportunities provided by strong, well-supported student journalism programs. *(The Scholastic Press Rights Commission recommends being able to cite specific examples of support from administrators in your state.)*

"A core value of being a journalist is to understand the role of the press in a free society. That role is to provide an independent source of information so that a citizen can make informed decisions. It is often the case that this core value of journalistic independence requires a journalist to question authority rather than side with authority. Thus, if the role of the press in a democratic society is to have any value, all journalists – including student journalists – must be allowed to publish viewpoints contrary to those of state authorities without intervention or censorship by the authorities themselves. Without protection, the freedoms of speech and press are meaningless and the press becomes a mere channel for official thought."

– Judge Arthur Tarnow
Dean v. Utica Community Schools

Are schools liable for content in student media?

There has never been a reported court decision where a public school or school district has been held legally responsible for content in student media. This legislation ensures that school

districts and school administrators are protected from lawsuits. With this law, students would be legally responsible for content in their media – not school officials or school departments.

Does this legislation give students the right to publish whatever they want?

No. This law does not protect unlawful speech – the same categories of speech that every journalist must avoid (libel, material that invades a person's legal right to privacy, obscenity as to minors, etc.) The law also imposes an additional category of speech restriction specific to schools: High school students cannot publish speech that would materially and substantially disrupt normal school activities. This establishes a meaningful balance between administrative authority to maintain a safe and effective learning environment and student free speech rights.

What about the questionable stories published in student media?

Such incidents have occurred, but they are certainly the exception rather than the rule. The majority of student media outlets practice journalism in a responsible manner.

The ability to cover important issues without censorship, promotes a safe and healthy school environment. Students don't just complain about the cafeteria food. They confront real issues, especially those which are relevant to teens. While it may make administrators uncomfortable, students often cite real safety concerns in their schools. They may cite the need for repairs that have been ignored, especially those that are outside the public view to which students have access, such as locker rooms, student bathrooms, and most classrooms. They often bring about change as a result of their vigilance, courage and honesty. The greater good of the students and staff supercedes the reluctance of administrators to hide the truth. They need to be held accountable by the public for not securing a facility properly. Often, board of education members will discover something that they all have read only in the school newspaper, and will investigate the matter once the conditions are exposed.

(The Scholastic Press Rights Commission recommends being able to cite specific examples from your state's student publications in support of this.)

What effect do free student media have on the school climate?

School communities need and deserve stories that reflect the authentic student experience. Giving students a voice actually can help guard against disruptive and potentially dangerous behavior by shedding light on issues of concern and empowering the powerless. In fact, coverage of sensitive and important issues often can effect positive change.

(The Scholastic Press Rights Commission recommends being able to cite specific examples from your state's student publications in support of this.)

How do students benefit from involvement in school journalism programs?

High School Journalism Matters: American Press Institute (2010)
http://www.naafoundation.org/Research/Foundation/Student-Journalism/High-School-Journalism-Matters.aspx
New research conducted for the Newspaper Association of America Foundation, provides clear evidence that student journalists earn better high school grades, perform at higher levels on college entrance exams and receive higher grades in college writing and grammar courses than students who lack that experience. They also are more engaged in civic activities as they grow older.

The Partnership for 21st Century Skills
http://www.p21.org/

The journalism classroom is the perfect setting in which to nurture 21st-century readiness in students. It incorporates critical thinking, problem-solving, communication, collaboration, creativity and innovation.

"To successfully face rigorous higher education coursework, career challenges and a globally competitive workforce, U.S. schools must align classroom environments with real world environments by fusing the three Rs and four Cs."

Source for entire document:
"Washington Free Student Press Law FAQ" by Mike Hiestand.
http://studentpressblogs.org/nspa/?p=183

See it for additional talking points.

RESOURCES

JEA Scholastic Press Rights Commission
http://www.jeasprc.org/
The SPRC can connect student free expression advocates with scholastic journalism leaders in your state or region.

Student Press Law Center
http://www.splc.org/knowyourrights/statelegislation.asp
The SPLC has collected current and historical information about student free press legislation and has experts who can offer opinions about legislative language.

Center for Scholastic Journalism at Kent State University
http://www.csjkent.org/index.php?option=com_content&view=article&id=59&Itemid=67
CSJ hosted a conference on student free expression legislation in 2008. Videos of the panels presented during that event are viewable here.

J-IDEAS
http://www.splc.org/jideas/publicpolicy.php

Although J-IDEAS has ceased operations, the organization's archival information about past legislative efforts remains on the Student Press Law Center website.

American Civil Liberties Union
http://www.aclu.org/affiliates
The ACLU's advocacy on behalf of the civil rights of young people and contacts with state legislators may be useful.

National and regional scholastic press associations
http://www.studentpress.org/nspa/

State scholastic press associations
http://jea.org/home/people-2/natregasso/

State professional press associations
http://jea.org/home/people-2/stateassns/

People for the American Way
http://www.pfaw.org/issues/freedom-of-speech
This left-leaning advocacy organization is a defender of student free expression rights.

National Education Association and American Federation of Teachers
http://www.nea.org/home/49809.htm http://www.aft.org/yourwork/teachers/
The national teachers' unions and their state affiliates have supported legislation protecting the rights of teachers.

Society of Professional Journalists
http://www.spj.org/chapters.asp
The nation's most broad-based national organization of working journalists has local chapters around the country that work on press freedom issues.

National Council of Teachers of English
http://www.ncte.org/
The National Council of Teachers of English is devoted to improving the teaching and learning of English and the language arts at all levels of education.
NCTE adopted this official "Resolution on the Importance of Journalism Courses and Programs in English Curricula" at their national conference in 2004: http://www.ncte.org/positions/statements/journalismincurr

National Council for the Social Studies
http://www.socialstudies.org/about
Social studies educators teach students the content knowledge, intellectual skills, and civic values necessary for fulfilling the duties of citizenship in a participatory democracy. The mission of National Council for the Social Studies is to provide leadership, service, and support for all social studies educators.

Center for Information and Research on Civic Learning and Engagement

http://www.civicyouth.org/
CIRCLE conducts research on the civic and political engagement of young Americans.

American Library Association
http://www.ala.org/
Founded on October 6, 1876 during the Centennial Exposition in Philadelphia, the American Library Association was created to provide leadership for the development, promotion, and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all. Included in their strategic plan is a call for "continued work in the areas of ... Education and Lifelong Learning, Equitable Access to Information and Library Services, Intellectual Freedom, and Literacy..."

SAMPLE EXPRESSION LAWS AND RECOMMENDED LANGUAGE

What should a student free expression law include?

Seven states have enacted student free expression laws (Arkansas, California, Colorado, Iowa, Kansas, Massachusetts and Oregon). The Student Press Law Center has offered its own proposed language for such legislation, which the JEA Scholastic Press Rights Commission endorses. Thus, there are multiple options to choose from for language for student free expression legislation. http://www.splc.org/knowyourrights/law_library.asp?id=5

Based on our experience as journalism educators who have participated in these efforts over the last 25 years, and our observation of how those laws enacted have been applied, we (the Scholastic Press Rights Commission) recommend several elements that we believe must be included in any proposed legislation:

• A general provision protecting the rights of students to determine the content of the student media they produce. This provision should specify school-sponsored student media, but can include protections for other student speech at school as well. Sample language:

> *Students of the public schools shall have the right to exercise freedom of speech and of the press including, but not limited to, the publication of expression in school-sponsored publications and other news media, whether or not such media or other means of expression are supported financially by the school or by use of school facilities or are produced in conjunction with a class.*

• A provision that clearly spells out the types of student expression that are not protected by the legislation. Vague and undefined language can create more problems than it solves. Clarity is important to ensure that students, teachers and school administrators understand the law to mean the same thing. The example below uses legally defined language and/or includes legal definitions.

> *Nothing in this section shall be interpreted to authorize expression by students that: 1) is obscene as to minors as defined by state law; 2) is libelous or slanderous as defined by state law; 3) constitutes an unwarranted invasion of privacy as defined by state law; or 4) so incites students as to create a clear and present danger of the*

commission of unlawful acts on school premises or the violation of lawful school regulations, or the material and substantial disruption of the orderly operation of the school. School officials must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

• A provision that specifically protects student media advisers from retribution based on content decisions that their students have made. Sample language:

It shall be the responsibility of a journalism adviser or advisers of student media within each school to supervise the production of the school-sponsored media and maintain the provisions of this statute. This statute shall not be construed to prevent an adviser from teaching professional standards of English and journalism to the student staff. No journalism adviser will be fired, transferred or removed from his or her position for refusing to suppress the protected free expression rights of student journalists.

• A provision that protects schools or school officials from liability for content decisions students make. Lawsuits based on the content of student publications are extremely rare. But including protection from liability takes away one of the major justifications school officials offer for requiring censorship. Sample language:

No expression made by students in the exercise of free speech or free press rights shall be deemed to be an expression of school policy, and no school officials or school district shall be held responsible in any civil or criminal action for any expression made or published by students unless school officials have interfered with or altered the content of the student expression.

In addition, the Scholastic Press Rights Commission suggests consideration of the following provisions to accompany a legislative proposal:

• A prohibition on school administrators requiring prior review or approval of student media content before publication. The Journalism Education Association finds the practice of administrative prior review educationally unsound and has condemned it in an official policy statement. Sample language:

No student media, whether school-sponsored or nonschool-sponsored, will be subject to prior review by school administrators.

• Protection for off-campus student speech. The Scholastic Press Rights Commission believes that in order to prepare students for life in a democracy, independent student speech that occurs outside of school should receive the same protection as the speech of any community member.

• Protection for college and university student speech. Several states have included provisions ensuring free media and free speech protection for college students in the same bills that protected high school students. Some believe the public's strong support for college media freedom will increase the chances of enacting high school protections when they are combined.

Others are hesitant to draw college students, who have generally been afforded stronger First Amendment protection by the courts, into the debate.

For more information about student free expression legislation, see the Student Press Law Center's website.
http://www.splc.org/knowyourrights/statelegislation.asp

SAMPLE NEWS RELEASE

For immediate release
DATE

SAMPLE LEAD GRAPH: (Name of coalition or group), a group concerned with freedom of expression in (insert your state here)'s public secondary schools, announced today a legislative campaign to end censorship and prior review of student media by school officials.

SAMPLE QUOTE: "We need to create an atmosphere in which student journalists can undertake the work for which they are ideally suited: addressing the issue of school climate in our public schools," said Chairperson (insert name here). "There is a need for real stories that reflect the authentic student experience and for robust coverage of all segments in a school community. We need to harness that power in positive ways that the current climate of prior review and prior restraint will not allow."

SAMPLE TRANSITION: When school officials engage in censoring student media, they effectively muzzle students. (Cite specific incidents in your state here, such as censorship of articles about hazing or school violence ...)

SAMPLE GRAPH ON SUPPORTING GROUPS: Chairperson (insert name here) said the group will work to introduce a bill in this session of the legislature based on model legislation developed by the Student Press Law Center in Washington, D.C. Among the sponsors for the bill are (insert list and short bios here).

Similar legislation has been passed into law in seven other states, including Arkansas, California, Colorado, Iowa, Kansas, Massachusetts and Oregon. In addition, numerous school districts across the nation have adopted policies eliminating prior review and prior restraint of student media.

SAMPLE QUOTE: "Student media are where our youth best learn the rights and responsibilities that go with freedom of expression," (chairperson) said. "If we teach them in high school that the government has the right to tell them what they can and cannot say, they will carry that lesson with them for the rest of their lives. A democracy cannot afford for its citizens to accept that kind of governmental intrusion."

SAMPLE COUNTER POINT: (chairperson) pointed out that one common argument for administrative control of student media is just plain wrong.

"Administrators often say they are worried about the possibility of being sued over the content of student media. That is true only as long as they control the content. As soon as students take over responsibility for content, students become legally responsible for content. Schools cannot be sued for what students decide to publish in media that have been set free from administrative review. Our bill will underline that point."

(She or he) said the lawsuit issue is a red herring in any event. There is no published court decision where a school district has been held legally responsible for content published when students were making the content decisions.

"Students have an admirable safety record in that regard," (she or he) said, explaining that journalism teachers and advisers spend considerable time educating students about both media law and journalism ethics before students write their first stories.

"It's amazing what students can accomplish when they feel a sense of ownership," (she or he) said. "Unfortunately, under the current situation in our state, that happens too infrequently."

ACKNOWLEDGEMENTS

"Promoting Scholastic Press Rights Legislation: A Blueprint for Success" was compiled by a subcommittee of the Journalism Education Association Scholastic Press Rights Commission during its retreat in March, 2012.

Much of this document is the compilation of material from works by others who have been involved directly or indirectly in crafting and promoting student press rights legislation around the country. This Blueprint draws from these sources the lessons learned from the successes, as well as lessons learned from attempts to pass legislation that did not succeed.

Key to this work are documents from the Student Press Law Center's archives:

Student Free Expression Legislation: Coalition building and lobbying by students and teachers; 1990 (author not identified)

For students, by students: Young journalists with help from legislators, propose anti-Hazelwood bills to restore free press rights; SPLC Report, Spring 2009 (Vol. XXX) Press laws: by Kate Maternowsi

Understanding student free-expression laws: Renewed push to pass state laws as courts chip away at First Amendment rights in schools; SPLC Report, Fall 2007, Vol. XXVIII, no. 3, page 30 (author not identified)

Model Legislation to Protect Student Free Expression Rights; 2000, SPLC Legal Research archives

From the National Scholastic Press Association blog archives:

Washington Free Press Law FAQ, by Mike Hiestand; NSPA News and Notes – It's the Law, Feb. 1, 2007

For thoughts from administrators who value a healthy and robust student media, see the following articles:

National Association of Secondary School Principals
http://www.splc.org/pdf/principalarticle.pdf

American Association of School Administrators
http://www.splc.org/pdf/aasafreepressarticle2.pdf