

Washington's Student Press Rights – "New Voices" – LAW

Enacted: June 7, 2018

LAW OVERVIEW: In March, Gov. Jay Inslee signed Student Press Rights legislation into law, making Washington the 14th state to pass a law that rolls back the Supreme Court ruling in *Hazelwood SD v. Kuhlmeier* (1988), a decision so vague it allowed for administrative censorship of student speech by declaring it, for example, "poorly written," "biased," or "inconsistent with the shared values of a civilized social order."

SSB5064 clarifies existing legal protection for the scholastic press and upholds the Supreme Court's *Tinker v. Des Moines SD* decision (1968) establishing that "...students do not shed their First Amendment rights at the schoolhouse gate." SSB5064 upholds our state constitution, which declares that students may exercise their right to a free press and other rights guaranteed by the First Amendment. (Washington Code: WAC 392-400-215 Student Rights.) The new law clearly spells out the rights and responsibilities of students who produce content in their school sponsored media.

KEY COMPONENTS: *"School sponsored media" means any matter that is prepared, substantially written, published, or broadcast by students, and is distributed or generally made available, either free of charge or for a fee, to members of the student body, and is prepared under the direction of a school media adviser. Yearbooks are considered "school sponsored media."*

- Student editors of school sponsored media are responsible for determining the news, opinion, feature, and advertising content of student media.
- A student media adviser may not be terminated, transferred, removed or otherwise disciplined for failing to suppress protected student media.
- Public school districts and school boards must adopt policies that comply with the law.
- Public school districts and district officials will not be held legally responsible for content in student-produced school media as long as student editors make all content decisions.

CONTENT RESTRICTIONS: School officials may not control content unless it

- is libelous or slanderous;
- is an unwarranted invasion of privacy;
- is obscene or indecent pursuant to the Federal Communications Act or any rule or regulation of the Federal Communications Commission;
- violates school district policy or procedure related to harassment, intimidation, bullying, or discrimination;
- incites students to commit an unlawful act on school premises or violate a lawful school regulation; or
- creates a material and substantial disruption of the orderly operation of the school

ADVISER ACTION PLAN ON BACK

ADVISER ACTION PLAN: Educating students and administrators about SSB5064

- Go over the text of the new law SSB5064 with students and editors. Follow up with downloadable PowerPoint available at www.wjea.org.
- Share reprint from **Washington Principal** magazine (Spring/Summer 2018, pg. 50) with your principal and other administrators. This recaps the new law from their perspective. Download at www.wjea.org.
- Expect all student journalists to adopt and abide by a **Code of Ethics**. The **Society of Professional Journalists** Code of Ethics is a well established standard, recently updated, that is followed by both professional and students journalists : <https://www.spj.org/ethicscode.asp>. **The National Scholastic Press Association's** (NSPA) Code of Ethics is specific to student journalism: <http://studentpress.org/nspa/the-wheel-model-code-of-ethics/>
- Revisit, with editors, your student media policy currently in place. Re-write portions or all to comply with the new law. Sample publication policy language is available at www.wjea.org or www.splc.org (**Student Press Law Center**.)
- Likewise, review your school district policy on Student Press Rights/Free Speech. The new law requires that public school district and school policy language must be in compliance. Sample school district policy language, written to be in compliance, can be downloaded and used as a template: www.wjea.org.
- Suggest that editors arrange a meeting with principal and, perhaps, other administrators, to go over SSB5064. Encourage them to provide assurance that they understand their responsibilities and will follow the law.
- If you feel shaky about you own understanding of the law, please contact Vince DeMiero (wjeapastpresident@gmail.com); Kathy Schrier (wjeaexecutivedirector@gmail.com) or Fern Valentine (f.valentine@comcast.net). If you need a classroom visit from someone in WJEA, please ask. Plan to attend sessions on the law at **Journalism Day** or attend the **WJEA Adviser Workshop** during the summer. There are several sessions on "New Voices" slated for upcoming national JEA/NSPA conventions (Chicago, Nov. 1-3, 2018 and Anaheim, April 25-27, 2019.)
- Some school districts will be slow or reluctant to change policies, but remember, they must follow the law whether their district policy is in compliance or not. If censorship of protected speech persists in your school, please have your editors contact someone from WJEA; the Student Press Law Center (both listed above); or hit the **JEA Student Press Rights Committee "Panic Button"** (<http://jeasprc.org/panic-button/>) and someone will be in contact within 24 hours.