



December 5, 2018

Dr. Jim Rollins
Superintendent, Springdale School District
804 West Johnson Ave.
P.O. Box 8
Springdale, AR 72765

Dear Superintendent Rollins:

We at the Student Press Law Center (“SPLC”), together with the undersigned organizations that work to protect the free press rights of young journalists, write to express our serious concern over recent events involving the journalism program at Har-Ber High School. Founded in 1974, the Student Press Law Center is an independent nonpartisan nonprofit organization dedicated to promoting and protecting the First Amendment rights of high school and college student journalists and the educators who work with them.

Over the span of a few weeks, the Springdale school district has censored a newsworthy story and editorial, threatened the newspaper adviser and suspended publication of the newspaper indefinitely. While we welcome the district’s recent decision to allow the Har-Ber Herald to run their investigative piece and accompanying editorial, we remain deeply concerned about what may emerge from the district’s stated intention to revise its student publications policy to include provisions for mandatory prior review. Fundamentally, as supporters of the First Amendment and freedom of the press (including student-run media), we are deeply concerned that this is a punitive, retaliatory measure which will undermine the independence of the Herald and put the adviser, Karla Sprague, at further risk for her job.

Student journalists at the Har-Ber Herald investigated the circumstances surrounding the transfer of six varsity football players from their school to a rival high school in the middle of the 2017 school year. After months of research, on October 30, 2018, the Herald published its investigation in the form of a news story, including interviews with the athletes involved. The story explored whether the athletes’ transfer complied with school district policy. The story found significant inconsistencies and included on-the-record comments from the transferring students explaining that the real reason for their transfer was related to the football program. The students also published an accompanying editorial.

After the story broke, there was a significant backlash from some in the community. School district officials demanded that the Herald's faculty adviser, Karla Sprague, remove the story from the school website. Ms. Sprague complied, then later attempted to get the district to repost the story and editorial. Last week, you wrote a letter to Ms. Sprague telling her that the story and editorial would not be republished because it was "intentionally negative, demeaning, derogatory, hurtful and potentially harmful to the students addressed in those articles." You also asserted that the article was disruptive to the school district.

The next day, Principal Paul Griep announced that the Herald was suspended from regular publishing while the school district writes new protocols for student publications. He also told Ms. Sprague that while the policies are being re-written nothing could be printed or posted online without prior review by the school authorities. The principal threatened that if the Herald violated the gag order and continued to publish, Ms. Sprague would be disciplined and possibly terminated.

We learned late yesterday, following mounting national publicity, that the district has agreed to repost the story and editorial. That's an important first step - but it is neither sufficient nor complete. The new ban on publishing or posting material that has not been officially approved by district officials remains in effect, reversing a policy of no prior review that had been in place for at least 14 years. The new policy contradicts the recommendation of every national journalism education group in the country, all of which have condemned administrative prior review as the wrong way to teach young journalists. Indeed, the Journalism Education Association ("JEA"), the nation's largest association of journalism educators and secondary school media advisers, has adopted a resolution which states:

[JEA] denounces the practice of administrative prior review as serving no legitimate educational purpose. Prior review leads only to censorship by school officials or to self-censorship by students with no improvement in journalistic quality or learning.

Instituting prior review and other policies which restrict the independence of student media in the Springdale school district is a clear act of intimidation and punishment for the Herald staff's publication of a lawful, accurate, newsworthy story. We are gravely concerned about what other punitive measures might be in the works as the district's student publications policy continues to be refined. Finally, we remain deeply concerned with the treatment of Karla Sprague and the threats being made to her job.

While school officials may erroneously believe that they have unlimited power to restrict what the student newspaper publishes, they are sorely mistaken.

Arkansas is one of 14 states that have passed a specific law granting student journalists legal protections beyond those required by the First Amendment. The Arkansas Student Publications Act, ACA Sec. 6-18-1201-1204, was enacted in 1995 specifically to prevent what is now happening at Har-Ber High School. The law protects the right of student journalists to publish news absent a showing that the material is unlawful (e.g., libelous, obscene, etc.) or seriously disruptive to normal school activities.

The SPLC has reviewed the article and editorial at issue. The story clearly addresses a newsworthy topic. With the exception of some very minor changes, the accuracy of the story has not been seriously contested and the students stand behind their reporting. In addition, applying the “substantial disruption” standard from the U.S. Supreme Court case *Tinker v. Des Moines*, upon which the Arkansas law is based, the school district has failed to demonstrate that the material in question would create significant physical disruption within the classroom or other school-related activities. So far, the only disruptions are the ones created by the district itself for censoring the article and editorial - and now trying to implement a prior review policy which was removed more than a decade ago.

Giving officials of a government agency (such as Springdale School District) the power to decide what citizens may say about the agency and to suppress speech that does not fit within their narrative is in complete contradiction to the ideals upholding a free society. Using governmental censorship authority for such image-control purposes is forbidden by the First Amendment and state law, and, moreover, is bound to backfire in this era where there are multiple platforms for journalists to publish their work.

We assume that school officials — professional educators — in your district value academic freedom and will readily recognize that the district’s censorship, suspension of the paper and extreme prior review policy is not only unlawful, but inconsistent with the American spirit of civic engagement and free speech. Any concern for the school or the district’s reputational interests must take a backseat to the law. Legal and constitutional imperatives do not simply go by the wayside depending on how good or bad the school will look. By censoring the Herald and now implementing a prior review policy in response, Springdale school district officials are teaching a new and scary brand of civics education as they show their students how concerns over public relations so easily trump sound journalism.

Finally, we remain deeply concerned about the ongoing heavy-handed treatment of Ms. Sprague, warning that her job might be in jeopardy for allowing her students to do exactly what they should be doing: publishing accurate news and running their student publication. To cause a dedicated teacher to fear that she will be punished because her students responsibly reported on a newsworthy story — or that they are now contesting its censorship — is improper. Furthermore, to demand that she participate in prior review forces her to violate the JEA adviser code of ethics.

We urge you to allow your students to use the newspaper as it is meant to be used: as a vehicle for young people to engage on issues of civic, social and political concern. If the school district wants a public relations newsletter it should start its own and leave the student newspaper alone.

As you consider revisions to your student publications policy, we would welcome the opportunity to work with your school district to develop a balanced policy that avoids discord by clearly providing students with the right to, legally and nondisruptively, air their views on matters of public concern in student media. In the future, having such a policy in place that will hold students responsible for their speech within the bounds of the First Amendment will keep the district from resorting to legally questionable scare tactics.

Sincerely,
Hadar Harris
Executive Director, Student Press Law Center

Jane Eisner
Chair, Student Press Law Center Board of Directors

Endorsed by the following organizations and individuals:

American Booksellers Association
American Society of Journalists & Authors
American Society of News Editors
Arkansas State Director, Journalism Education Association, Justin Turner
Associated Press Managing Editors
Association of Alternative Newsmedia
Authors Guild
Brechtner Center for Freedom of Information, Frank D. LoMonte
Center for Scholastic Media, Kent State University, Candace Perkins Bowen
Freedom Forum Institute
Freedom of the Press Foundation
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Journalism Education Association
Knight Chair in Scholastic Journalism, Kent State University, Mark Goodman
Media Freedom Foundation and Project Censored
National Association of Hispanic Journalists
National Coalition Against Censorship, Christopher Finan
National Council of Teachers of English, Intellectual Freedom Center
National Scholastic Press Association

Peacefire, Bennett Haselton
PEN America
Radio Television Digital News Association, Dan Shelley
Reporters Committee for Freedom of the Press
Student Press Law Center Board of Directors
Student Television Network

John Bowen, Journalism Education Association, member and former Director of the Scholastic Press Rights Committee
Scott Libin, board member, National Scholastic Press Association