

News Release

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School district student newspaper policy and practice affirmed

The settlement agreement announced today between Everett Public Schools and two former student editors of the Everett High School sponsored student newspaper affirms the district's long-term policy and school's past practice of reviewing journalism class newspapers before publication.

Last month, the Honorable Ricardo S. Martinez of the United States District Court ruled that the Everett High School principal has the right to review student newspaper articles before they go to press. By extension, and in accord with previous Supreme Court rulings, that right applies to all district high school principals and student newspapers.

Today, the district and legal representatives of the two former students agreed to the following wording which will appear in the masthead of the Everett High School Kodak newspaper:

The Kodak is a school student newspaper produced for the student body of EHS. The student editors-in-chief and the editorial board make editorial decisions subject to Everett School District Board Policy 3221 and 3221P. Our right to free speech is guaranteed under the First Amendment of the Constitution and Article I, Section 5 of the Washington State Constitution.

In fall 2005, without authority to do so, the two former student editors who brought the lawsuit planned to publish a masthead with the following wording:

The Kodak is a student forum for the student body of Everett High School. We are not subject to prior review by administrators, faculty or community members. Editorial decisions are made by the student editors-in-chief and the editorial board. Our right to free speech is guaranteed under the First Amendment of the Constitution and under the Revised Code of Washington (RCW) Article 1, Section 5. Student free speech is also protected by Everett School District Policy 3220.

When the district informed the student editors that the student newspaper was subject to prior review and that their proposed masthead was in conflict with Board policy and procedure authorizing review by the school principal, the students sued, claiming a violation of their First Amendment rights.

On Tuesday, August 28, 2007, a week before trial was to commence, the former students agreed to dismiss their lawsuit and specifically agreed to prior review of the student newspaper by the principal. In addition, the district and legal representatives of the former students agreed to eliminate the offending and inaccurate statement from the masthead. The following wording will now appear in the masthead of the Everett High School Kodak newspaper:

The Kodak is a school student newspaper produced for the student body of EHS. The student editors-in-chief and the editorial board make editorial decisions subject to Everett School District Board Policy 3221 and 3221P. Our right to free speech is guaranteed under the First Amendment of the Constitution and Article I, Section 5 of the Washington State Constitution

In response to the court ruling and today's agreement about masthead wording, Superintendent Carol Whitehead said, The two young ladies involved in the lawsuit graduated from Everett High School in 2005. They were excellent students.

They were ill-advised, however, to bring this lawsuit against the district. The Supreme Court has repeatedly ruled in favor of school districts' right to prior review of student newspapers produced in high school journalism classes. In addition, a very clear Everett Public Schools board policy with accompanying procedure has been in place for many years and has been implemented correctly by previous principals at Everett High School. The recent local court ruling affirms the district's right and responsibility to teach students how to do the right things the right way.

This lawsuit, which has drawn an inordinate amount of time and resources from the business of education, has been often and deliberately misrepresented as an issue of free speech. The issue is instead, about the administration's and board's responsibility to educate students and our fiduciary responsibility to safeguard how taxpayer resources are used in our classrooms.

I am pleased to put this issue behind us, to continue with our mission of educating each student to high standards. I also look forward to continuing the process of teaching high school journalism students how to produce high quality newspapers for their peers.

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