



# TEST YOUR KNOWLEDGE OF STUDENT PRESS LAW

## Questions

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- 1. The U.S. Supreme Court has recognized that the First Amendment protects public school students while in school. Neither "students nor teachers," the Court said, "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." From which famous Supreme Court case did that language first come?"**
  - a. New York Times v. Sullivan
  - b. Tinker v. Des Moines Indep. School District
  - c. Hazelwood School District v. Kuhlmeier
  - d. Roe v. Wade
  
- 2. You are editor of the Student Times. You and your newspaper staff have spent the last two months working on a story about drug use at your public high school. You've interviewed more than two dozen sources, including students and parents, school officials, doctors, social workers and drug rehabilitation counselors. The story is well-researched and well-written. It suggests that drug use is more common among students at your school than many community members may think. Alarmed by the findings -- and concerned about how the community will react -- your principal has censored the story and steadfastly refused to back down. What should you do?**
  - a. Consider publishing the story on your own either in an independent, or "underground" newspaper or on a private, off-campus Web site.

- b. Appeal the principal's decision to the school district superintendent and school board.
  - c. Publish and distribute a press release about the censorship to local media and other interested groups.
  - d. All of the above.
- 3. You are editor of your high school student newspaper, the Student Times. Jennifer, a classmate you trust, just walked into the newsroom to tell you that, for the last few months her math teacher has been making inappropriate, sexually suggestive comments to her after class. Unfortunately, she says there were no witnesses to any of their exchanges. She has not reported the incidents to anyone else. You believe that sexual harassment is a serious problem that really needs to be addressed. Which of the following options do you consider the best?**
- a. Because you believe Jennifer to be an honest person, you publish a story reporting her claims without any further investigation.
  - b. You do not attempt to cover the story or the issue of sexual harassment at all. It's just too risky.
  - c. You contact the math teacher prior to publication and give him a chance to deny and respond to the charges, but otherwise publish Jennifer's accusations as she relayed them to you.
  - d. You publish a story about the issue of sexual harassment generally using Jennifer's accusation as an example. But you do not use either Jennifer or the teacher's names in the story and are careful to avoid including any other information that might identify them (you refer to them as only "a student" and "a teacher").
- 4. The Student Times is publishing a story about Leopard O'Shay, America's newest singing sensation, which includes a review of his latest CD, Spots Unplugged. As the Times feature editor, you'd like to use a photo of the rock star to illustrate your story. Unfortunately, O'Shay has just begun a World Tour and the chance of your photographers getting a shot of him in person is nil. What is your**

**safest legal option?"**

- a. Scan the cover art from Spots Unplugged.
- b. Find a Leopard O'Shay fan site on the Internet and download a photo from there.
- c. Use the photo of O'Shay that ran on last month's cover of Rolling Stone magazine.
- d. Call O'Shay's record company and ask their publicity department to send you a photo to use with your story.

**5. You are a reporter with the Student Times. The principal has ordered you to reveal the identity of the confidential source you interviewed for a news article last month that exposed serious lapses in your school district's school bus maintenance program. What is your best option?**

- a. Give the principal the name he wants, even if it means your source could be punished or lose his job. You have no choice but to obey the direct order of a school official. Doing otherwise could lead to serious punishment for you, including suspension or expulsion.
- b. Politely -- but firmly -- refuse the principal's demands and immediately seek legal help. The principal may have no legal authority to compel you to reveal your source absent a formally issued subpoena (which you would be permitted to contest in court). More importantly, you have made a promise to your source, which you are ethically -- and perhaps legally -- bound to keep, no matter the consequences to yourself.
- c. Tell the principal that you're willing to retract the story if he backs off his demand that you reveal your source. While not an ideal solution, it makes the best of a bad situation.
- d. None of the above.

**6. To make time for more standardized testing, the public school you attend has decided to reduce the lunch hour to 15 minutes. You've**

**published a one-page flyer that criticizes the change and points to the link between higher test scores and proper nutrition. Which of the following acts violates the First Amendment?**

- a. You are standing on the public sidewalk in front of the local grocery peacefully handing your flyers to customers as they leave. The store manager -- an ardent supporter of standardized testing -- sees you and rips the flyers from your hands and orders you to leave the area.
- b. You arrive at school. As you are stashing the flyers in your locker to hand out to students after school, your principal walks by and spots them. He tells you that he won't stand for such criticism and lack of respect for authority. He takes your flyers away, rips them in half and throws them in the trash.
- c. Both a and b.
- d. Neither a or b.

**7. Which of the following types of information should be available under a state's open records law?**

- a. Budget records showing the salary paid to your city's school district superintendent last year?
- b. Budget records showing the amount of money spent by St. Olaf's Private School for Girls on roses to decorate the headmaster's house last year?
- c. Individual medical forms filed with your public high school showing that all student athletes are healthy and eligible to play.
- d. All of the above.

**8. Four separate kinds of invasion of privacy legal claims filed against journalists have been recognized by the courts. What are they?**

- a. (1) Publication of False Rumors, (2) Electronic Trespassing (3) False Light and (4) Misappropriation

- b. (1) Publication of Private and Embarrassing Facts, (2) Intrusion, (3) False Light and (4) Misappropriation
- c. (1) Publication of Private and Embarrassing Facts, (2) Eaves dropping (3) Use of False Credentials and (4) Misappropriation
- d. (1) Publication of Private and Embarrassing Facts, (2) Intrusion, (3) False Light and (4) Mistaken Identification

**9. You are a reporter for the Student Times. After promising that you would keep her identity secret, you recently interviewed a student at your school who admitted to dealing drugs while on campus. The story came out yesterday and you have just been served with a subpoena from your county's prosecutor ordering you to turn over all your notes from the story and to reveal the name of your source. What should you do?**

- a. Contact an experienced media lawyer immediately.
- b. Simply destroy your notes from the interview as soon as you can. After all, the prosecuting attorney can't get what you don't have.
- c. Turn over the information and testify as ordered. Journalists are not above the law and must comply with a validly issued and properly served subpoena just like any other citizen, even if it means "burning" a source.
- d. Don't worry about it. Prosecutors and lawyers frequently go on "fishing trips" for information using subpoenas. Journalists are protected by shield laws and qualified privileges that, as the name suggests, "shields" them from having to reveal confidential information or sources.

**10. Each year, the Student Times publishes an April Fools issue called the Crazy Times. The issue is filled with jokes, spoof stories, faked photos and bogus ads. In this year's issue, the Crazy Times published a photo of the girls' tennis coach watching his players perform at a match. He is wearing sunglasses and smiling. The caption reads, "Coach Reynold's new X-ray glasses come in handy!"**

**The coach is not amused. He says that the photo has both embarrassed him personally and seriously harmed his professional relationship with his players and their parents. He says he plans to talk to his lawyer. In the event the coach sues, what would be the Student Times best legal defense?**

- a. That the newspaper published a prominent disclaimer in the spoof issue stating that "the Crazy Times is intended as a joke" and that none of the material it contains should be taken seriously.
- b. That the student staff did not intend to harm anybody's reputation or hurt anyone's feelings. Everything, they say, was published in good fun.
- c. That a reasonable person, while they might find the caption and photo in poor taste, would not think the coach actually used X-ray glasses to see through his player's clothing.
- d. None of the above. Publishing a story that falsely reports that a person has participated in lewd, possibly criminal activity and acted in an immoral and unprofessional manner is exactly the sort of thing libel law is intended to protect against.

**11. Your public school principal just heard that your school-sponsored student newspaper is planning to run a story and editorial about a recent proposal to cut music education from the school district's curriculum. The proposal has stirred heated debate in your community and the principal does not want to create more waves. Which of the following acts would be illegal?**

- a. The principal orders you to submit the newspaper to him to read before you send it to the printer.
- b. The principal orders you to immediately cease all work on the story and prohibits you from covering the topic in the future.
- c. The principal orders you to submit the newspaper to your adviser who must sign a statement saying that he has read and approved the article prior to publication.

- d. All of the above.
- 12. Late one night, you are walking home from the library. As you pass the school, you see a man get out his car and throw a rock through the principal's office window. The vandal then hurries back to his car and speeds away. As the car passes by, you are stunned to see one of your teachers, Mr. Jones (who actually gave you the only "D" grade you ever received) at the wheel. He is the only one in the car. Which of the following is an accurate statement?**
- a. Truth is an absolute defense to a charge of libel. Because you saw Mr. Jones commit the act with your own eyes, you are safe to publish the story about the vandalism.
  - b. Truth is an absolute defense to a charge of libel. However, without anything other than your eyewitness account to go on, the story still poses substantial legal risks.
  - c. Statements of opinion cannot be libelous. Therefore, because there are no other witnesses or evidence to the event, the safest way to handle the story is to publish it on the newspaper's "Opinion Page." As long as you carefully preface your charge with, "I believe Mr. Jones vandalized the school," you will be protected from a successful libel claim.
  - d. None of the above.
- 13. While walking down the hallway at his high school, a reporter for the Student Times newspaper sees and picks up an unmarked folder that is lying on floor. Upon opening it he learns that it is a medical record -- dated yesterday -- for one of his classmates, the student government president, which must have been accidentally dropped by a school official. The record reveals that the student has been diagnosed with bacterial meningitis, a contagious disease that, if left untreated, can cause brain damage and, in rare cases, prove fatal. There is a sticky pad attached to the records that says, "Student's mom insists we keep this quiet!" Given the fact that this student has had contact with large numbers of students through his activities as student government president, the reporter thinks he should write a**

**story to alert the student body of the danger. Which of the following statements are true?**

- a. Truth is an absolute defense to an invasion of privacy claim. Assuming the medical record is genuine and the information it contains is accurate, the Student Times cannot be successfully sued for invasion of privacy if he publishes a story naming the student.
- b. The public -- particularly those individuals who might have come in contact with the contagious student -- needs to know that this communicable and potentially life-threatening disease has surfaced. While it might be embarrassing to the student to reveal his medical condition, the story is exceptionally newsworthy, which should outweigh any invasion of privacy claim.
- c. Both a and b.
- d. Neither a nor b.

**14. You are the editor-in-chief of Student World, your school's student yearbook. Janet Doe, one of your section editors has just submitted the following list of items she hopes to include. Which of the following, if any, presents a copyright problem?**

- a. As part of a current events page, Janet wants to publish a photo of the President, which she downloaded from the official White House Web site.
- b. For her section theme, Janet has chosen the words "Days of Our Lives," which she plans to run on the section header page in plain, block letters.
- c. In keeping with her theme, Janet wants to publish Shakespeare's 11<sup>th</sup> Sonnet in its entirety, which begins: "As fast as thou shalt wane, so fast thou grow'st" and goes on for another 13 lines.
- d. None of the above.

**15. You want to include your favorite cartoon character in the yearbook**



**you edit. You've tried to contact the cartoon's creator -- both by phone and mail -- seeking permission to use an image or two in your yearbook, but so far you've heard nothing back. Your deadline is quickly approaching. Which of the following options should you not consider?**

- a. Ask your top artist to hand-draw a copy of the cartoon character that you could feature on a special page along with some of the character's funniest lines.
- b. Write a review of the cartoon series and illustrate it with a moderate-sized image of the character taken from the cartoon's official Web site.
- c. Survey your classmates to find the "Top Ten Favorite Cartoon Characters of the Senior Class." Assuming your favorite makes the list, you could illustrate the survey with a moderate-sized image of character scanned from his official fan magazine.
- d. Write a short news story on the worldwide popularity of your character and illustrate it by scanning in thumbnail-sized images from some of the world's various publications that have featured him on their covers.

**16. You just received a three-sentence e-mail from the editor of a nearby public high school who tells you the principal has censored an article on teenage pregnancy from her newspaper because he felt the topic was "inappropriate." The editor believes the principal's actions were a violation of her First Amendment rights. Is she correct?**

- a. No. The principal's stated goal of protecting students from inappropriate material would likely be deemed "reasonable" under the Supreme Court's Hazelwood standard and the censorship allowed to stand.
- b. Yes. The Supreme Court's Tinker decision makes clear that the First Amendment protects the right of student editors at public high schools to publish such articles and -- assuming the stories are accurate, contain no unlawful material (libel, obscenity, etc.) and

would not substantially disrupt normal school activities -- the principal has no authority censor them.

- c. It doesn't matter. Students shouldn't waste time defending their press freedom. The editor should end any effort to cover the story.
- d. You need more information before you respond.

**17. You've just finished writing a short story for your student literary magazine. It's gotten rave reviews from everyone who has read it and your adviser has said you should submit it to a commercial publisher. What must you do to make sure it is protected by copyright law and can't be stolen by someone else?**

- a. Include a copyright notice on your work (e.g., © 2005 John Doe).
- b. Send two copies of your work, along with a completed copyright registration form and filing fee to the U.S. Copyright Office.
- c. Both of the above.
- d. None of the above.

**18. You are editor of the Student Times. On Wednesday, you reported that police arrested your school's custodian, John Doe, over the weekend for driving under the influence (DUI). On Thursday, you received a call from John's lawyer. It turns out it was actually Jack Doe, John's uncle, that was arrested, and John is planning to sue the newspaper for libel. Which of the following will be least helpful to your defense?**

- a. Before publishing the story, your reporter learned that John is an ex-con. The reporter also took a photo of several beer-themed posters hanging in the cleaning supply closet where John keeps his equipment.
- b. Before publishing the story, your reporter obtained a copy of the police blotter and accurately reported the information it contained. (Unfortunately, the arresting police officer had written down the wrong name.)

- c. Your reporter called and left three messages on John's home answering machine seeking comment the day before the story ran.
- d. Both you and your reporter believed the story was accurate when you published it.

**19. Where it applies, the Hazelwood standard permits public secondary school officials to censor material from a student publication when they have a reasonable educational justification (or, in the U.S. Supreme Court's own words, a "legitimate pedagogical concern") for their censorship. Which of the following reasons for censorship would most likely meet the Hazlewood standard and legally justify the administrative action?**

- a. A principal censors a movie review from a junior high school student newspaper because it concerns an R-rated movie. While the principal admits the review is reasonably well-written and contains nothing inappropriate or indecent, he says it is school district policy that the newspaper only review movies rated PG-13 or below, since those are the only movies junior high school-aged students can legally attend on their own.
- b. School officials censor an article about a lawsuit filed against the school district because they claim it is improper for the student newspaper to write about a legal matter in which the school is involved. They also claim that the student reporter relied on questionable sources and was one-sided in her reporting. On the other hand, professional journalists and journalism professors who have read the article contend that it is accurate, well-reported and well-written.
- c. An assistant vice principal censors an editorial from the student newspaper that criticizes the school's proposed new dress code. Among other things, the editorial cites an expert who states that dress codes have not been shown to improve academic performance, which is one of the reasons school officials have given for supporting the new policy. Unfortunately, the newspaper misspelled the expert's name. The editorial also includes three other misspelled words, a misplaced comma and two grammatical errors.

d. All of the above.

**20. Where it applies, the Tinker standard prohibits censorship of otherwise lawful student speech (i.e., no libel, no obscenity, etc.) except in cases where school officials can show that the speech would result in a "material and substantial disruption" of normal school activities. Which of the following reasons for censorship would probably be struck down as unconstitutional because it fails to meet the Tinker standard?**

- a. A principal censors a student's column in the student newspaper that advocates eliminating the school's dress code. The principal wrote and implemented the dress code last year and believes the view expressed in the column seriously undermines her authority.
- b. A principal censors a news story that reports that 40 percent of the computers in the school's computer lab are out of service. The principal does not dispute the accuracy of the story, but believes the story will upset the school's technical support administrator, maybe even causing him to resign.
- c. A principal confiscates the latest issue of the student newsmagazine, which contains the second of a two-part survey on student attitudes toward sex. Part One of the survey -- the first of its kind at the school -- created quite a "buzz" among both teachers and students, who have been heard talking about the survey's findings both in and out of class. In addition, the principal has received a number of phone calls and e-mails from parents about the survey, which has required her to take time out of her day to respond.
- d. All of the above.

**21. You are the online editor for the Student Times. You just noticed that an individual using the name "DeepVoice" has posted the following comment on your Web site's bulletin board, which allows readers to directly post their own comments and opinions: "Anytown HS principal busted for drunk driving!!!" The post alleges that the principal was arrested over the weekend and that the school district's public relations office is coordinating a massive**

**cover-up. You have heard absolutely nothing about this until now. If your only goal is to protect the Student Times from liability, what should you do right now?**

- a. Remove the entire post immediately.
- b. Don't touch the post.
- c. Delete those parts of the post that you believe are libelous or otherwise offensive, but leave the rest. In the meantime, put a reporter on the story to see if she can confirm the charges.
- d. Any of the above.

**22. Keisha Jones, the energetic news photographer for the Student Times, has been busy at work. As part of her proposed "Day in the Life of Jefferson High" photo essay, she's snapped dozens of photos. In which of the following situations, if any, could Keisha's actions have constituted an unwarranted invasion of privacy?**

- a. The school's top counselor is known as the "Stealth Counselor" because few students ever actually see him. Sneaking past his secretary and down a hallway, Keisha was able to quietly open the counselor's closed door and, without being detected, snap a picture of him working in front of his computer.
- b. In the parking lot before school, Keisha snapped a photo of Roman and Julie engaged in a "heated" public display of affection in front of Roman's car.
- c. From the sidewalk in front of the school, Keisha happened to glance into the faculty lounge window where she saw the vice principal puffing away on a cigarette, a violation of the state's "Smoke-Free Schools" law. Though her camera was in her backpack, Keisha was able to dig it out in time to click a clear photo of the administrator taking one last puff.
- d. All of the above.

**23. Which of the following three statements about the federal Family**

**Educational Rights and Privacy Act (FERPA), also sometimes referred to as the Buckley Amendment, is not true:**

- a. FERPA prohibits a high school student newspaper editor from publishing student photos without parental permission.
- b. FERPA prohibits schools from releasing the "educational records" of students to third parties without a student's (or in some cases, his parents') consent.
- c. FERPA requires a school to provide a student (or in some cases, his parents) with a copy of his own educational records upon request.
- d. All of the above.

**24. Student Times reporter Nina Sanchez is preparing for an interview with three officers of the local teachers' union, who are leading an effort to renegotiate a salary increase for teachers. Because she is concerned about getting the story right, Nina wants to tape record her interview. From whom does she need to get permission before she can make that recording?**

- a. The president of the teacher's union.
- b. Each of the union officials who she will be interviewing.
- c. None of the union officials who she will be interviewing.
- d. It depends in which state the interview occurs.

**25. More than a dozen students were injured last night when a fight broke out in the stands during your high school's basketball game. The next morning, police -- who saw photographers for the Student Times taking pictures of the melee -- show up at your newsroom demanding the cameras' memory cards. As editor of the newspaper, they inform you that they have launched a formal criminal investigation. They hand you a search warrant and tell you to stand aside so they can retrieve the cards. What should you do?**

- a. Unfortunately, there is really nothing you can do. The police have

an official search warrant and you must let them do their jobs whether you like it or not.

- b. Block their paths and order them out of the newsroom immediately. The police are breaking the law and you have the right to stop them from searching your newsroom and confiscating your staff's work product even if it means a physical confrontation.
- c. Tell the police that you don't want them searching your newsroom. However, as a compromise, you can offer to make them copies of the memory cards. You can also promise to have your photographers submit a list of the names of students they recognized last night.
- d. Tell police in clear, unambiguous language that you do not consent to their search and hand them a copy of the federal Privacy Protection Act. Ask that the search be delayed until legal counsel can be sought.

**26. Over which of the following types of student media are public school officials most limited in their ability to censor or control content?**

- a. Private Web sites created and viewed by students outside of school.
- b. Student newspapers funded by the school and published as part of a class, for which the staff is graded.
- c. Student newspapers supported mainly by advertising sales and published as part of an extracurricular club that meets on campus after school.
- d. Independent, or "underground," student newspaper created and printed entirely outside of school but distributed to students on school grounds.

**27. Pick out the student media law "myth" from among the following:**

- a. The law prohibits news media from publishing the name or photo of a minor accused of criminal conduct.

- b. The law prohibits student media from publishing the name or photo of a minor student online without parental consent.
- c. High school-aged students cannot -- acting on their own, without their parents -- validly consent to the publication of a story that could otherwise invade their privacy (for example, a 17-year-old pregnant student cannot consent to an interview about her experience without her parents' permission).
- d. All of the above.

**28. The First Amendment provides "breathing room" to news media covering "public figures" or "public officials" that makes it much harder for such individuals to successfully sue news media for libel. Which of the following categories of individuals will always be considered "public figures" or "public officials?"**

- a. Public high school teachers
- b. Public high school principals
- c. Public high school football coaches
- d. None of the above

**29. Mr. Pepito, the owner of Pepito's Pizza wants to run an ad in your high school newspaper. Last week, after the football game, a group of students came to his restaurant to eat and celebrate. While there, Pepito took their photo, which he asks you to include in the ad. The students all look great, are smiling for the camera and clearly having a good time. There is a big, yummy-looking Pepito's Pizza in front of them. What should be your next step?**

- a. Make sure that you have a validly signed model release form from each of the students (and possibly their parents, if they are minors) whose image appears in the photo.
- b. Make sure you get Pepito's name spelled correctly so that you can give him a proper photo credit and avoid any charges of plagiarism.



- c. Make sure that you accurately identify each of the students in the photo so that you can include their names in a caption in the ad.
  - d. Make sure you collect Pepito's advertising fee in cash. You don't want to have to try and collect on a bad check.
- 30. Yong Li, a reporter with the Student Times, is doing a story on the amount of money spent by his public school on new, hi-tech bats for the school's much-fawned-over softball team. (Interestingly, the new bats arrived the same day the school laid off its school nurse, citing a tight budget.) Every week for the last month, Yong has stopped the principal in the hallway and asked for copies of the spending records, but so far his requests have been ignored. What should he do next?**
- a. Pay the school's custodian to secretly make a copy of the file while he's cleaning the principal's office late at night.
  - b. Drop the story and find something that doesn't require the principal's cooperation to write about. There is plenty of other news to cover and there is no sense spinning your wheels in frustration on a story that might never materialize.
  - c. Find a lawyer and sue the principal for violation of the state's open records law. The court will order the principal to provide copies of the records and may even fine him and/or require that he pay Yong's lawyer for the cost of his legal services.
  - d. Submit a letter to the principal formally requesting the records and citing the state's open records law.

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