

Prior Restraint and Prior Review 101

Created and presented by

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Presentation Roadmap

- 1) Intro to Prior Restraint and Prior Review
- 2) Important cases
- 3) Examples in a high school context
- 4) Tips for addressing these issues in your school
- 5) Resources for students and advisers
- 6) New Voices Georgia
- 7) Questions

Prior Restraint and Prior Review

- **Prior Restraint:**
 - A type of censorship where speech or expression is stopped before it occurs
- **Prior Review:**
 - Occurs when a school administrator reviews content before it is published
 - Often causes students to self-censor to ensure that their work gets approved

*Near v.
Minnesota*

Decided by the Supreme
Court in 1931

- One of the earliest and most famous cases about prior restraint
- The court found that government officials **cannot** restrict speech before it is published
 - Even if what is being published may turn out to be illegal

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So why doesn't the First Amendment protect student journalists?

**Because this protection applies differently to
students in school-sponsored media.**

*Hazelwood School
District v.
Kuhlmeier*

Decided by the Supreme
Court in 1988

- The Supreme Court said that school administrators are allowed to censor student speech in school sponsored forums, as long as administrators have a valid educational reason for doing so.
- As a result, students who create content for student-run media may have their speech restricted (examples: newspapers, broadcasts, literary magazines, yearbooks, and podcasts).



Meaning, students who run their own blog or post on a personal social media account have **greater free-speech protection** than students who create content for school-sponsored media.



An administrator tells a student certain topics are off limits (before anything is even written).



An administrator tells student that a certain article cannot be published.

Prior Restraint in High Schools



An administrator reviews student media to ensure that it complies with school board standards or values.



An administrator reviews student media to ensure that it doesn't put the school in a negative light.

Prior Review in High Schools

What to do if a school administrator bans the publication of your work:

1

Ask your school officials to tell you what, if any, valid educational reason they have for censoring your content.

2

Find a teacher who is willing to work with you to develop media content that meets your school's standards.

3

**Consider joining the New Voices Georgia movement!
More on that later...**



Benefits of eliminating prior review and prior restraint:

- **Students have greater journalistic freedom to address timely and relevant issues**
- **Students are less likely to engage in self-censorship**
- **Students create more diverse content, encouraging a larger audience**
- **Advisers can work with students about producing professional and ethical work**
- **Administrators do not have to worry about whether they've committed a First Amendment violation**



Adviser Tips:

Advisers should:

- Help students develop the tools they need to produce quality work
- Encourage students to seek multiple points of view to make their work more credible
- Coach students as opposed to making demands or requiring changes
- Have a student editorial board decide content
- Use peer editing often

Resources for Creating High-Quality Student Journalism

The Poynter Institute Code of Ethics

- <https://www.poynter.org/ethics-trust/2017/the-poynter-institute-code-of-ethics/>

The National Scholastic Press Association

- <https://studentpress.org/nspa/the-wheel-model-code-of-ethics/>

The Scholastic Press Rights Committee

- <https://jeasprc.org/ethical-guidelines-suggest-best-practices-for-your-student-media/>



New Voices Georgia

- New Voices is a movement *for* high school students, led *by* high school students.
- This movement aims to pass state laws that prohibit restricting student speech.
- 14 states now have a law on the books protecting the speech and expression rights of student journalists.
- With the New Voices movement, Georgia could be next!

New Voices Georgia

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for more information





Questions?