

# Student Journalists in 2020: Journalism Against the Odds

“*Journalism is an act of faith in the future.*”

- Ann Curry

## Introduction<sup>1</sup>

As we celebrate Student Press Freedom Day 2021, the odds against which student journalists have struggled need, themselves, to be documented. It was not only the pandemic or the financial recession. It was not only the political climate that targeted journalists (including student journalists) as the “enemy of the people.” It was not only an entire school experience that was reimagined. It was not only the scourge of a legal system which, after the 1988 [Hazelwood School District v. Kuhlmeier](#) decision, created an exemption for student free speech rights as it relates to student journalists.<sup>2</sup>

All of these forces combined last year to present unparalleled challenges that, if left unaddressed, will mean continued struggle for student journalists in the months and years to come. Yet student journalists face these challenges head on, produce top-quality reporting and provide an essential service to their communities.

Since 1974, the Student Press Law Center has worked to support, promote and defend the First Amendment rights of student journalists and their advisers at the high school and college level. Thousands of student journalists access our free legal hotline to seek assistance with issues ranging from questions about copyright or access to information to challenges with censorship and prior review.

In January 2021, SPLC reached out to college and high school journalists seeking examples of the challenges they have faced over the past year. Sixty-nine student journalists from 24 states responded. Their responses, when taken together with trends observed through discussions with more than a thousand student journalists and advisers over the past year through the SPLC’s free legal hotline, have provided a clear and troubling illustration of the state of student journalism. A picture has emerged of

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<sup>1</sup> Special thanks to SPLC Journalism Interns Sian Shin and Allison Schatz, SPLC Staff Attorneys Sommer Ingram Dean and Mike Hiestand, SPLC Digital Strategist Danielle Dieterich, New Voices Campaign and Advocacy Organizer Hillary Davis, and consultant Dan Furmansky, for their help in compiling and editing this report.

<sup>2</sup> In 1988, the U.S. Supreme Court adopted a decision in [Hazelwood School District v. Kuhlmeier](#) (484 U.S. 260 (1988)) that carved out an exception for student journalists to the standard for student free speech established by the iconic [Tinker v. Des Moines School District](#) (393 U.S. 503 (1969)). While *Tinker* allows for student speech or expression unless it is libelous, slanderous .... Or may cause a material disruption of school activities”, the *Hazelwood* case enables public school administrators to censor student work for any “legitimate pedagogical concern.” In the more than 30 years since its adoption, *Hazelwood* has led overzealous school administrators to assert their power broadly, to prevent students from publishing stories that were critical of school administration, exposed health and safety issues in the school, or would be otherwise embarrassing to or controversial for the administration.

editorial independence; a sudden, necessity-driven reimagining of how their newsrooms work; and challenges to the very craft of journalism. All of this has forced student journalists to persevere in order to create quality journalism - against the odds.

The following paper provides examples of trends observed over the past year that reinforce the need to ensure legal protections for student journalists. It underscores the need to secure their editorial independence and freedom from censorship, consistent with other journalists and standards of student free speech; and the need to recognize broadly the essential service that student journalists perform as they provide important, unbiased information to the community, often filling gaps in news deserts where there are no local commercial news outlets.

### **The Importance and Impact of Student Journalism**

In 2020, student journalists had an essential role in reporting on the most important safety and health issues of our day. As the only reporters with a front row seat to the challenge of safe schooling in 2020, they had a unique perspective on the experience of—and often were the only voices speaking directly to and for—the nearly 73 million students, from kindergarten through university, who were forced to move suddenly to remote learning in spring 2020, as well the impact this had on their families and communities.

Student media provided a unique link among students [to share vital information](#) related to [remote learning](#) and COVID safety. With [sports suspended](#), [school dances cancelled](#), [Greek life upended](#), and other activities that build culture on campus transformed, school newspapers, yearbooks and other [student media played a uniquely important unifying role](#), creating and sustaining the student-to-student community, and creating cultural consistency for the school as it transitioned from a single physical campus to Internet connections across distances.

In 2020, readership of student newspapers significantly increased in many places, underscoring the important role student media plays in the community in times of crisis. For instance, in data shared with SPLC, the University of Idaho *Argonaut* reported an 84% increase in pageviews between February 1, 2020 (pre-pandemic) and January 31, 2021 compared to the previous year. At the University of Wisconsin-Oshkosh, the *Advance-Titan* experienced a 36% increase in users and 32% increase in pageviews between January 2020 (pre-pandemic) and November 2020.

Student media reported on the experiences of students [who stayed on campus](#), as well as those who studied from home. This work continues into 2021. As universities contemplate a return to campus, for instance, student newspapers are [providing vital information](#) during a period of uncertainty.

Beyond their COVID-19 reporting, student journalists [helped curate an important discussion about racial justice](#) and systemic racism on their campuses and in their communities. They took physical risks to cover protests in their communities, often being [targeted by law enforcement](#) or by protesters because of their role as journalists.

They did all of this while the craft of journalism was changing in real time. Social distancing and stay-at-home orders meant interviews needed to be conducted differently, access to information changed as offices closed, documents were unavailable and phones went unanswered. Journalists who worked stories together in newsrooms and commiserated as deadlines neared, now shared ideas on Slack instead of meeting in person. Sources were, on one hand, less accessible in person, yet only a Zoom call away. Photographs of events were much more difficult to take as people did not physically gather and events were cancelled. Most strikingly, print newspapers made the sudden [transformation to all-online](#), uprooting not only their production process, but also [forcing a reinvention of their economic model](#) as advertising revenue shifted and new investments in equipment were required.

Schools varied in the way that they accommodated student journalists – some recognizing the essential service they were providing to the community, others locking up equipment, shutting down access to servers or even restricting the coverage of COVID-19 altogether. How schools approach student journalism is often unpredictable and arbitrary, even in the least complicated years. For example, it is not uncommon for journalists at different schools in the same community to face completely different support in their work to keep their communities informed. Nevertheless, despite the many difficulties that 2020 presented, student journalists continued their work, documenting the historic stories of the day [in newspapers](#) and [in yearbooks](#) – even when it meant [working from their car in the school parking lot](#) to finish their project.

The one thing they could not innovate around, however, was censorship by school officials.

### **The Intractable Challenge to Student Journalists in 2020: Censorship**

In 2020, accurate, truthful information was more important than ever. Despite the essential service student journalists provided by offering their peers unbiased and accurate information, too many continued to be challenged by administrators – at both the college and high school level – who sought to censor them or undermine the independence of their work.

Often, school officials justify censorship by expressing concern that students should not be reporting on “adult” topics. The past year has shown us that the idea that students are “not mature enough” to cover controversial or sensitive issues is, and always has been, unfounded.

This year, issues of health and safety were central to the school experience. Discussion of voting rights, election administration in a pandemic and voter registration for youth were also essential, as 17% of the vote came from voters between the ages of 18-29<sup>3</sup>. Still, student media stories were censored due to their “political nature.” Stories about racial justice and youth-led social unrest were integral to the experience of many students. Yet administrators sought to “manage” the stories in ways that would either avoid controversy or embarrassment, or simply shut down the story altogether.

### **How Censorship Shows Up**

Censorship comes in many forms. It can include, but is not limited to:

- The [overt censorship of a school administrator](#) engaging in prior review and stopping the publication of a story.
- Cuts in program funding related to concerns over content.
- [Preventing access to publicly accessible information](#) to control exposure of embarrassing, unlawful or unappealing information.
- Limiting access to university employees (including student resident advisors, athletes, custodians and food service workers).
- Overtly or implicitly threatening the job of an adviser or teacher who refuses to censor a story.
- A growing, but difficult to quantify, trend of self-censorship in order to avoid conflict, which has deepened among student journalists and advisers, after more than three decades of uncertainty around student press freedom following the *Hazelwood* decision.

### **Trends in Censorship in 2020**

Throughout 2020, we observed ongoing censorship in a variety of forms. “Regular” censorship that reflects ongoing controversies in schools continued as censorship of stories related to COVID, race

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<sup>3</sup> <https://circle.tufts.edu/latest-research/election-week-2020#youth-voter-turnout-increased-in-2020>

relations and political topics emerged in full force. Among the trends observed through the survey and the SPLC hotline were:

Photographs were a particularly contentious topic, with schools mandating the types of pictures that could be published in student media, online or in yearbooks. Administrators sometimes required pictures only with masks or only without masks.

Students at a public high school in Minnesota reported that the school banned the yearbook from publishing photographs of students not social distancing and/or not wearing masks, whether or not the photographs were taken at a school-sanctioned event. In a case that garnered national attention, a [student in Georgia was disciplined](#)<sup>4</sup> after tweeting a picture exposing a crowded hallway of mask-less students during the first week back to in-person school in Georgia.

Schools tried to regulate reporting by student news outlets on issues related to distance learning, how schools were adhering to instructional standards, and issues of access or equity – all issues that, while being limited and censored in publications serving the students who needed the information the most, were later widely covered by commercial journalism outlets.

A principal at a public high school in New York restricted a student journalist from publishing an op-ed about inadequate instructional time and gaps in educational standards due to distance learning. The principal held the story for over a month, requiring that another article be included in the paper that was supportive of the school's distance learning program.

Stories about the resignation of teachers or school staff due to health and safety concerns were quashed.

In Oklahoma, a student editor at a public high school was censored as they tried to publish an article about teachers resigning due to safety concerns over COVID-19.

Colleges and universities, in particular, limited access to information about COVID-19 infections within the student body, among instructors, on-campus, etc.

In September 2020, at a time when James Madison University was sending people home due to a spike in infections, university administrators blocked release of data by the independent student newspaper, *The Breeze*, which indicated on-campus versus off-campus infection rates. Administrators wrongfully invoked FERPA and HIPAA as an excuse to block release of vital information. *The Breeze* is currently exploring legal action against the university to get the data released.

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<sup>4</sup> While that student was not a student journalist, there was also pressure exerted on student media in this case.

While COVID-related censorship drew particular attention, other censorship continued and, in some cases, became more acute. These included:

- Stories about Black Lives Matter protests at schools or in the community, and schools' efforts (or lack thereof) to hold discussions and take action around racial justice.

After a high school yearbook in Texas was printed and distribution was underway, the superintendent told the adviser that they were not to hand out any more yearbooks because a spread on the killing of George Floyd and the Black Lives Matter movement "would not sit well" in their conservative community. After heated discussion at the school board level, the books were eventually distributed.

- Stories about the nomination and confirmation of Supreme Court Justice Amy Coney Barrett, in particular as it related to issues around abortion.
- Coverage of the 2020 general election, youth voting, and the aftermath of the election.
- Stories about the flying of the Confederate flag.

In October, 2020, a journalist at a high school newspaper in Nebraska wanted to cover the story of an 18-year old student who stole a Confederate flag that had been displayed on a student's car on school grounds. The student was caught and prosecuted. The article was about the theft, the fact that a group of students were displaying the flag on their cars, and the disconnect between the punishment of the student stealing the flag versus the lack of consequences for the students who brought the offensive flags onto school grounds. The school did not permit the article to be printed, but the student journalist published the article in the local paper, generating far greater attention.

High school students, in particular, were painfully aware of the stories that they were being prevented from telling. When asked on our survey to share the stories you wanted to tell but "did not or could not publish or distribute for any reason," they included:

- A story regarding the ways that teachers were implementing COVID-19 restrictions very differently in their respective classrooms.
- One student wrote, "I wanted to do a story about how high case numbers had a direct correlation to outbreaks in sports teams as a result of student athletes not being required to wear masks...but teacher sources wished to remain anonymous."
- Stories regarding teachers resigning over safety concerns.
- A story regarding the school's inconsistency of disciplining a teacher for wearing a BLM shirt several years ago and the school's current policy of allowing such shirts now.
- A story about the school's failure to conduct effective contact tracing procedures, which discouraged students from informing the school administration if they were in close contact with someone who has COVID-19.

### **Ways to Support Student Press Freedom**

The aforementioned examples of censorship only reinforce the need to support student press freedom. There are a variety of ways to do so:

[Subscribe to student publications and follow them on social media.](#) Help to support them financially by subscribing or placing ads in print publications or online news media. Follow them on social media to stay in touch and join the conversation. Discover the important work that many student journalists are doing as they break stories and hold their schools and communities accountable. You can see examples of excellent student journalism from the past year [here](#) to get a taste.

[Support journalism education.](#) Journalism education is about accountability, transparency and democracy. It is about empowering young people to think critically, ask hard questions and speak truth to power when necessary. It is about the value society places on their questions and perspectives. It is far more than the production of a newspaper or yearbook. Encourage children and friends to register for journalism classes at school. Pay attention to proposed budget cuts for journalism programs and [advocate against them.](#)

[Support student press freedom through New Voices state-based advocacy campaigns.](#) As student press freedom faced unparalleled challenges in 2020, the movement to support it also grew. [New Voices](#) is a non-partisan, grassroots, student-driven movement to support state-based legislative protections for student journalists. Since the U.S. Supreme Court's ruling in [Hazelwood School District v. Kuhlmeier](#) in 1988, public school administrators can still censor student work for any "legitimate pedagogical concern."

New Voices seeks to cure *Hazelwood* and restore the *Tinker* standard of free speech for student journalists, protecting student speech unless it is unlawful (for example, libelous or an invasion of privacy, etc.) or creates a "clear and present danger" or a "material and substantial disruption" of the school. So far, [14 states](#) have adopted student press freedom legislation to protect the independence of student journalists.

In 2020, New Voices bills were considered in 12 states and, despite a truncated and disrupted legislative season, they advanced everywhere they were considered. Grassroots groups emerged in states across the country and organizing continues as the importance of a free student press became even more obvious. [Visit the SPLC website](#) to learn more and get involved.

### **[Student Press Freedom Day: February 26, 2021](#)**

Despite the challenges faced by student journalists, recognition of the importance of their work and independent voice continues to grow. Timed to coincide with the anniversary of the *Tinker* Supreme Court decision and Scholastic Journalism Week, [Student Press Freedom Day](#) is another way to celebrate the successes of student journalists as well as to acknowledge the challenges they face - against the odds.

For more information about Student Press Freedom Day, visit: [StudentPressFreedom.org](#)

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*The Student Press Law Center (splc.org, @splc) is an independent, nonpartisan 501(c)(3) nonprofit working at the intersection of law, journalism and education to support, promote and defend the rights of student journalists and their advisers at the high school and college levels. Based in Washington, D.C., the Student Press Law Center provides information, training and legal assistance at no charge to student journalists and the educators who work with them.*