



Tricia Smith

Student newspapers and other publications are moving online to take advantage of social networking and other benefits, but be aware of potential 'legal minefields'

Whitney Details has more than 750 friends on Facebook. Details may, at first glance, appear to be a popular high school student, but the Facebook profile actually belongs to the yearbook staff of Whitney High School in Rocklin, Calif. The staff has used the popular social networking site as a promotional tool for more than a year to post updates about the yearbook and request photos or written anecdotes from the student body.

Many schools are supplementing their print publications by using the Internet, updating the traditional yearbook for a generation accustomed to multimedia. Some high schools also have similar online profiles and websites for their newspapers and other publications.

Social networking pages such as the one Whitney uses can help keep students and school staff members informed of school events like plays and fundraisers and allow student feedback and comments on yearbooks and newspapers.

"The key to keeping yearbooks relevant is constant moni-

toring of our readers' wants and needs, since those change often," says Sarah Nichols, the faculty advisor for *Whitney Details*. "Right now, our readers are showing us that they want to be part of the creation process and want a book that reflects their lives outside of school just as much as within it."

Rocklin Unified School District Superintendent Kevin Brown agrees that social networking sites can be a beneficial supplement to school print publications.

"Current yearbooks, by necessity, limit their coverage to mainstream activities: sports, proms, class officers," he says. "Many students operate outside these venues and don't see themselves reflected in the school media. Sites like Facebook can open up the school experience to be much more inclusive."

David Hudson of the Freedom Forum First Amendment Center says that the digital revolution of student media has been a positive change.

"It's energized more students to get involved in journalism," he says. "Kids are very active on social networking sites, and they're more likely to be involved in that medium." According to the company's own statistics, Facebook has more than 400 million active users sharing 5 billion pieces of content each week.

Unresolved legal issues

Despite the Internet's obvious appeal as a publishing supplement, Hudson warned that this uncharted territory can be "a legal minefield," because it's unclear when and if schools are allowed to discipline students for online postings made from off-campus computers.

For instance, the Whitney High School administration knows about the yearbook's Facebook and Twitter accounts, but requires that students maintain them off school grounds, since these sites are blocked on school computers, Nichols says.

Because of incongruities like this, the rules governing the use of social networking sites to promote school-sponsored media are often murky. With print editions of these publications, which students often work on during school hours and on school grounds, administrators can censor material they think would detract from the educational environment, using jurisdiction established under the 1988 U.S. Supreme Court case, *Hazelwood School District v. Kuhlmeier*. But legalities become unclear when students use their own time and computers to maintain a Web profile of a publication overseen by school officials.

The issue is creating some controversy in the U.S. 3rd Circuit Court of Appeals, where the rulings of two similar cases are at odds. One ruling allowed a Pennsylvania middle school to suspend a student for 10 days after she posted false and damaging statements about her principal on a MySpace page, but another ruling shot down the suspension of a high school student for a similar offense in the same state.

With the decision of how to deal with off-campus speech about on-campus matters being so split, it's hard to see which direction the future of student media law will take. Hudson says it's up to the Supreme Court to lay down the new law regarding how far the arm of school officials extends, and what legal standards should apply.

"Courts have recognized students' First Amendment right to speak online, but have allowed school officials to regulate it in certain instances. There just isn't any clearly recognized standard at the moment for off-campus speech because the Supreme Court hasn't ruled on it," says Sonja Trainor, a senior staff attorney for NSBA's Office of General Counsel.

Even if the Supreme Court issues a clear ruling in the 3rd Circuit cases, "it would be in the context of student discipline for off-campus speech, not school regulation of school-related student publications," she adds.

Both Trainor and Hudson predict that more definitive cases will determine the course of school officials' and students' legal rights in the next two years.

Currently, the law of the land seems to be found under *Tinker v. Des Moines Independent School District*, which allows schools to circumvent students' First Amendment rights only if their speech seriously threatens to disrupt the

pedagogical environment. In cases where students make these statements in an off-campus forum, the intended audience rationale would apply, meaning that, since the speech was intended to be seen by other students, it is subject to scrutiny by school officials.

Despite the nebulous legal issues, some administrators believe teachers should embrace these technologies and focus on using them in appropriate ways to engage students rather than on banning them entirely.

"It is incumbent on boards and staff to figure out how to incorporate these new tools to support our new learners, not to devise policies that prohibit their use," Brown says.

More publications go online

As more and more newspapers and yearbooks are going online—which can include the use of networking sites or a website with an electronic version of the publication—students and school officials also must find ways to drive their readers online.

A recent study by the Journalism Education Association's (JEA) Digital Media division shows that, of those schools that do have an online newspaper, very few people actually read it. Linda Puntney, executive director of JEA and director of student publications at Kent State University, says that is because many newspapers' websites don't offer extra, interactive features, such as videos or slides with sound.

Regardless, Puntney believes that the student press should use social networking sites, and learn how to use them effectively. "I don't think Facebook is the end-all and be-all, but it is better for students to have instruction in how to use Facebook so they don't post anything detrimental."

While it's important for students to know how to use new media and report instantly, journalism classes should still stress accuracy and thorough reporting as much as they did with traditional media, Puntney says.

"Let's say you're at a ballgame and the school mascot collapses. Maybe you post on Twitter, 'Willy the Wildcat is down,' and you give more updates as you get them."

This sort of on-the-go reporting has clearly emerged as the future of journalism. More and more print publications are folding as digital ones emerge. Not all news is presented on paper anymore, and a journalism education is simply not complete without learning online aspects of publication.

"Social networking sites are the latest curse and blessing facing school boards," Brown says. "Our policies and practices are still too far behind the technology. Many of us remember when we outlawed calculators in the classroom. Now you can't take calculus without one." ■

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