

TATTLER

IHS student paper hires lawyer after school policy shift

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IHS newspaper disputes content rules

By ANNE JU
Journal Staff

ITHACA — Staff members of the long-standing Ithaca High School student newspaper, “The Tattler,” claim the Ithaca City School District has acted illegally by imposing strict guidelines over the content of their news pages.

But school officials have stood by their claim that written ground rules for the paper are needed, as the paper is a school-sponsored organization.

“Our guidelines are very appropriate,” said Superintendent Judith Pastel. “Based on our experience ... It reinforced to me the guidelines we have are the appropriate guidelines.”

In what could turn into a legal battle, the students have secured a local trial lawyer, Ray Schlather of Ithaca’s LoPinto, Schlather, Solomon & Salk, to represent them. No lawsuit had been filed as of this week, but according to Schlather, the students want to “act quickly” and could take legal action against the district this month.

“There have been some conversations between the attorneys for the school district and our firm, but nothing has been resolved,” Schlather said.

Bill Russell, the school district’s assistant superintendent for curriculum and instruction, declined to comment on details of the district’s stance on the students’ censorship claims.

“Given the notice of possible legal action, we cannot comment at this time,” he said.

Students say the newspaper is an “open forum” protected by the U.S. Constitution and U.S. Supreme Court case law. They say the new written guidelines, which were delivered to the students in January, fly in the face of First Amendment protection of free speech and free press.

“We want to compromise,” said Andrew Alexander, news editor of The Tattler, and currently, of The Issue, an underground reincarnation of The Tattler that was published in March, April, and just this week. “But we’re not willing to compromise our free speech.



KATE SCHLEE/Journal Staff

Sports Editor Ted Stinson, left, Editor-in-Chief Robert Ochshorn, center, and Activities Editor Ruth Ezra, right, discuss the guidelines for production of the Tattler, the Ithaca High School newspaper, with other members of the editorial staff during a meeting at Ochshorn’s home in Ithaca April 22. The students have been disputing strict, formal guidelines recently imposed by the school district administration.

We’ve written over 400 articles this year, and 220 pages of content. Of course some people are going to disagree with some of the articles. But the appropriate response is not to censor us.”

‘Big brouhaha’

As of March, the students were no longer allowed to publish The Tattler, were barred from using the office assigned to the Tattler, and were stripped of their normal \$1,000 allowance for expenses.

But in an attempt to begin anew, the district assigned a new advisor to the students this week — math and computer science teacher Roselyn Teukolsky.

Teukolsky said she was excited to begin her duties and sees as her main objectives to “calm the atmosphere, and to produce a great final issue.”

“They’re very bright kids, and incredibly precocious,” she said. “They’re wonderful, and I think I

will work well with them.”

She perceived the issues surrounding The Tattler this year as the “perfect storm” of events which led to the paper being shut down.

“The kids wrote inappropriate articles, and critical articles, and one thing led to another, and things escalated,” she said. “Then suddenly we have this big brouhaha.”

Teukolsky said she plans to meet with the students today to begin planning the June issue of The Tattler.

“With freedom of speech comes responsibility,” Teukolsky said. “I hope I can convince them to be responsible.” She will meet with the students today, she said.

Guidelines introduced

In a March 9 letter from Pastel to Tattler Editor-in-Chief Robert Ochshorn, Pastel explained that until this year, “written guidelines were not necessary because the editorial staff respected the role of

the advisor. Due to disputes that have ensued during this year, it was necessary to put the practice into formal written guidelines.”

The one-page set of new guidelines in question place much of the responsibility for the newspaper’s content on the faculty advisor. The Tattler’s last advisor, English teacher Stephanie Vinch, resigned from the post in February, right after the last official issue of The Tattler was published.

“The resignation had nothing to do with the guidelines, or pressure from the administration,” Vinch said, declining to comment further.

Under the new guidelines, The Tattler advisor “shall read, edit and approve all articles prior to publication.” They also state that the advisor has free reign to “change, edit or remove” any content that would “substantially interfere with the district’s work or impinge upon the rights of other students, or is

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inconsistent with the legitimate pedagogical concerns of the district.” Those include poor grammar, bad research, libel, bias or prejudice.

Appeals denied

In a letter dated Feb. 9 to Ochshorn, from Ithaca High School Principal Joe Wilson denied the students’ request to adopt model guidelines for student newspapers suggested by the Washington D.C.-based Student Press Law Center.

In the letter, Wilson asserted that the district’s Jan. 21 written guidelines “represent the established standards of the district that are consistent with the district’s past practices concerning the publication of *The Tattler*.”

A student grievance appeal to lift the new standards was also denied by Pastel, according to Ochshorn.

In a related incident, the students also appealed to Pastel after an editorial cartoon relating to a sex education class was forbidden to run in the February issue of *The Tattler* — the last official issue.

The cartoon was to have accompanied an article entitled “How is sex being taught in our health classes?”

The same Feb. 9 letter from

Wilson to Ochshorn that detailed the reasons for imposing new guidelines, also addressed the cartoon — which the students ended up running in the underground “March Issue.”

“We believe that the nature of the cartoon, which depicts stick figures in various sexual positions, was obscene and not suitable for immature audiences, and consequently, was inconsistent with the educational mission of the district,” Wilson wrote in the letter.

But the students appealed what they called the censorship of the cartoon, borrowing from preexisting legal statute of what is, or is not, considered legally obscene.

“The cartoon’s depiction of sexual acts is entirely abstract, using stick figures lacking any graphic delineation of sexual organs,” Ochshorn wrote in a Jan. 31 letter to Wilson. “The childlike drawings are devoid of erotic content, and could not possibly appeal to a ‘prurient interest in sex.’”

Seeking compromise

In fighting the school district’s new guidelines, the students have argued that they are an open forum for student expression, and therefore protected under the 1969 Supreme Court decision *Tinker v. Des Moines*.

A 1988 Supreme Court decision, *Hazelwood v. Kuhlmeier*, created a stricter standard of prior restraint for student publications,

but *Tattler* editors say they should not be considered a “Hazelwood paper” because that standard applies to papers produced as part of school curriculum.

“For over a decade, *The Tattler* has stated prominently on its editorial page that it is an “open forum,” the students said, in a statement dated Jan. 24. “We invited submissions from all members of the community, and serve as a forum for open student expression. The student staff has made all final decisions regarding editorial content; our faculty advisor has served to give advice.”

Eileen Bach was faculty advisor to *The Tattler* from 1993-2004, before Vinch succeeded her. She

said *The Tattler* had never had written guidelines before, but that she and the students could almost always find a way to mutually agree on content.

“The purpose of a school paper is to train kids in journalism,” Bach said. “Not to see how far you can push the envelope. I think they understand that ... but you have to spend time talking to them.”

Bach said she would prefer the compromise guidelines Ochshorn has offered in lieu of the stricter district guidelines.

“I would prefer to see the paper remain a *Tinker* paper rather than a *Hazelwood* paper,” Bach said. “I know that involves some risks, but it takes some of the burden off an

advisor.”

She lamented the fact that the situation had escalated to the point of wrangling over legal language.

“I don’t think they’ve been

unethical, but I would have preferred to see them hold back on some issues, and approach them with a different angle,” Bach said.

Contact: aju@ithaca.gannett.com