California Education Code 48907

**California Education Code 48907** (1977) acts as a counter to the [Hazelwood v. Kuhlmeier](http://en.wikipedia.org/wiki/Hazelwood_v._Kuhlmeier) (1988) Supreme Court ruling, which limited the [freedom of speech](http://en.wikipedia.org/wiki/Freedom_of_speech) granted to public [high school newspapers](http://en.wikipedia.org/wiki/School_newspaper). The Hazelwood v. Kuhlmeier decision held that public school curricular student newspapers that have not been established as "forums for student expression" are subject to a lower level of [First Amendment](http://en.wikipedia.org/wiki/First_Amendment_to_the_United_States_Constitution) protection than independent student expression or newspapers established (by policy or practice) as forums for student expression. Ed Code 48907 affirms the right of high school newspapers to publish whatever they choose, so long as the content is not explicitly obscene, libelous, or slanderous. The newspaper content must also pass the minimal disruption test set forth in the Supreme Court ruling on [Tinker v. Des Moines](http://en.wikipedia.org/wiki/Tinker_v._Des_Moines) (1969). In contrast with Hazelwood, which limited [First Amendment](http://en.wikipedia.org/wiki/First_Amendment_to_the_United_States_Constitution) Protection to only those high school newspapers that had, through practice or policy, been established as forums for student expression, Ed Code 48907 affirms the right of all newspapers to the freedom of expression.

Recent Usage

This policy and Education Code 48907 was most recently supported by the case Smith v. Novato Unified School District 2007. A California Court of Appeal found that school unlawfully disciplined by condemning a controversial editorial as a violation of school policy and stating it should not have been published. The editorial, titled “Immigration,” contained extremely derogatory statements about Mexican immigrants. The principal, soon after the newspaper’s release, ordered that all remaining copies of the newspaper no longer distributed. Smith sued the school district, and the Marin County Superior Court ruled against him; however, the First District Court of Appeal reversed the decision, stating that Code 48907 prohibits schools from censoring speech simply “because it presents controversial ideas and opponents of the speech are likely to cause disruption.”