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## Schools too quick to block the media

By Wendy Leung, Staff Writer

Armed with little more than a notebook and a press pass, journalists are used to being denied access to a range of locations where news breaks. From crime scenes to private property, members of the media are often turned away.

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But in the case of public schools, reporters and photographers are armed with something more palpable - a penal code that grants them access. State law gives journalists the right to enter public school grounds and, furthermore, exempts them from having to register before doing so.

What's written in law, however, doesn't always translate into practice.

"Post 9/11, school officials have taken it upon themselves to step on the right of the media to cover events on school campuses under the guise that they're providing greater protection for students," said Jim Ewert, staff attorney for the California Newspaper Publishers Association.

Terry Francke, general counsel for Californians Aware, which advocates for open government, believes many school officials don't know or understand the law.

"This is one of those laws that ironically is either not known

or denied by those government officials who are supposed to be governed by it," he said.

Educators say their intent is not to hinder news gathering, but to preserve school safety and student privacy.

"It's a crazy world out there now. There's a lot of lawsuits," said Barry Cadwallader, superintendent of the Ontario-based Chaffey Joint Union High School District.

Under the law, journalists have a right to enter public schools, but schools also have a right to order them to leave if they are disrupting instruction.

But journalists routinely are turned away regardless of whether instruction is taking place, and often when the news they are trying to cover is controversial:

A Daily Bulletin reporter earlier this week tried to seek student comment after Alta Loma High

School forbade some students from wearing protest T-shirts. The reporter was not allowed to enter campus during lunch hour. Cadwallader said he misunderstood the reporter's intentions.

A Daily Bulletin photographer was denied access to Fontana High School by Fontana police officers while trying to photograph a riot at the school last year. The photographer ended up taking photos from outside school gates.



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A staff writer for The Sun in San Bernardino was escorted out of Redlands East Valley High School in 2003 by the principal, security guards and a sheriff's deputy when the reporter attempted to interview a teacher after school had let out. The reporter was investigating a murder case involving three students. The school district later apologized.

"As far as access to schools," said Tim McGillivray, spokesman for the Pomona Unified School District, "we are very careful protecting students' privacy, students' names and students' images."

McGillivray is drafting a release form to be filled out by parents every year, granting permission for their child to be interviewed or photographed by the media.

The form is far from unique. Many school districts request parental permission if reporters are to interview students under 18, or if photographers take photos showing students' faces and plan to publish them with names in the captions.

That's the way Maria Garcia would like it. Garcia, whose child is a third-grade student at The Ontario Center School, said anyone can come on school grounds and say they are a reporter.

"There's so much going on nowadays, parents should be advised of who comes in and out of campus," she said.

But published opinion by the state attorney general in 1996 asserts that public schools cannot prevent students from speaking to journalists even when parents have asked the school to do so.

Francke said parents are free to instruct their children not to talk to the media, but schools have no right to enforce parents' wishes.

"Anytime you hear that response," said Francke, referring to a school hindering interviews based on lack of parental permission, "it should be a signal that somebody up the line is either negligent or deliberately providing mistaken training (to other administrators)."

Schools are wary for a reason, said McGillivray. In custody battles or cases of domestic violence, a printed image of a student might disclose information that a parent may not want others to know, he said.

Ewert said such ethical decisions should be left to the journalist, and that the law clearly falls on the media's side.

"I don't know why schools are creating this false sense of privacy when they have absolutely no ability to do so," he said.

While concerns like the ones expressed by McGillivray should not be easily dismissed, he continued, "to have a different edict on not capturing images at all ... there's no law allowing that kind of censorship."

"So long as you have the right to be on that campus, the First Amendment says you have the right to capture anything you see."

Ewert added that media disclosure forms sent out by schools can cause more harm than good - if an image is captured without permission, the parent can sue the school.

The barriers are far larger when journalists try to cover news at private institutions. A reporter from The Sun recently was denied access to the University of Redlands when he was writing about the hiring practices of the Office of Student Life. Ironically, it was that very office that had to grant the writer permission to enter school grounds.

Private universities can certainly deny access to the media - the state law applies only to public schools - but it's a strategy that could ultimately backfire, said Robert Shibley, vice president of the Foundation for Individual Rights in Education.

"A university is supposed to be a bastion of openness and candor," said Shibley. "... To hush up stories by the media, that's an easy way for schools to avoid accountability. People will never realize the injustices going on on that campus."

Staff writer Wendy Leung can be reached by e-mail at [wendy.leung@dailybulletin.com](mailto:wendy.leung@dailybulletin.com), or by phone at (909) 483-9376.

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