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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 M.R.B., individually; K.B.W., individually;
11 M.L.F., individually; CHARLES FREEDLE
12 and LORIE HUNIUI, individually and as
13 Guardians for M.L.F.; W.R.H., individually;
and RICHARD HIGGINS and KAREN
HIGGINS, individually and as Guardians for
W.R.H.;

14 Plaintiffs

15 v.

16 PUYALLUP SCHOOL DISTRICT, a political
17 subdivision of the State of Washington,

18 Defendant.

No. 3:08-cv-05680-FDB

COMPLAINT

JURY DEMAND

19 COME NOW the above-named Plaintiffs, by and through their attorneys of record,
20 and by way of claim allege upon personal knowledge as to themselves and their own actions,
21 and upon information and belief upon all other matters, as follows:

22 **I. PARTIES**

23 1. Defendant PUYALLUP SCHOOL DISTRICT (“the District”) is a political
24 subdivision of the State of Washington and a recipient of federal financial assistance. The
25 District provides public education services through its schools, including Emerald Ridge High
26

1 School, which is located in Pierce County, Washington.

2 2. Plaintiff M.R.B. is an individual who attended Emerald Ridge High School at
3 relevant times.

4 3. Plaintiff K.B.W. is an individual who attended Emerald Ridge High School at
5 relevant times.

6 4. Plaintiff M.L.F. is an individual who attended Emerald Ridge High School at
7 relevant times.

8 5. Plaintiff CHARLES FREEDLE is M.L.F.'s father. He brings claims
9 individually and as Guardian of the Person and Estate of M.L.F..

10 6. Plaintiff LORIE HUNIUI is M.L.F.'s mother. She brings claims individually
11 and as Guardian of the Person and Estate of M.L.F.

12 7. Plaintiff W.R.H. is an individual who attended Emerald Ridge High School at
13 relevant times.

14 8. Plaintiff RICHARD HIGGINS is W.R.H.'s father. He brings claims
15 individually and as Guardian of the Person and Estate of W.R.H..

16 9. Plaintiff KAREN HIGGINS is W.R.H.'s mother. She brings claims
17 individually and as Guardian of the Person and Estate of W.R.H.

18 II. JURISDICTION AND VENUE

19 10. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367.

20 11. Venue is proper in the Western District of Washington pursuant to 28 U.S.C. §
21 1391 because Defendant PUYALLUP SCHOOL DISTRICT resides in this judicial district
22 and because a substantial portion of the events and omissions giving rise to this claim
23 occurred in Pierce County, Washington, within the Western District of Washington.
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III. STATEMENT OF FACTS

12. In February 2008, some of the journalism students at Emerald Ridge High School (“Emerald Ridge”) decided they wanted to write about sex and oral sex in the school newspaper, *JagWire*. These students also decided that it would be fun to conduct a “survey” where they would go around campus asking other female and male students if they had engaged in sex or if they had performed oral sex and, if so, under what circumstances.

13. The students who were questioned about sex by the journalism class understood that their names would be withheld and that their candid answers would be anonymous. The questions were intimate and highly-personal in nature, and the student Plaintiffs would not have responded to the survey had the understanding been otherwise.

14. No permission was obtained for the use of these students’ names and no permission was obtained permitting disclosure of the intimate, private details of these students’ sexual lives. Rather, the interviewers indicated they were conducting a sex survey, and they used digital recording devices to capture responses from their fellow students.

15. After the surveys and interviews had been conducted, and despite the fact that the students who had been surveyed believed they had anonymity, the *JagWire* staff singled-out four students who would be named in the article about sex and oral sex (“Article”). The journalism students also decided to include descriptions of these four students’ sexual histories. The journalism students included these four students’ full names, along with the highly-personal comments that had accompanied their survey responses; they then added gratuitous statements announcing to the student body that those students had “participated in sex and oral sex.” Their names and comments about their sexual histories were then published to the entire student body.

1 16. No permission was obtained from these four students, and they were not told
2 that their names would be used or that their sexual histories would be disclosed to the entire
3 student body and outside readership of the school newspaper.

4 17. One quotation about oral sex read, "I was 15. I was horny. It wasn't really a
5 relationship at that point. I'd known the guy for a week." This quotation was immediately
6 followed by the female student Plaintiff's full name and a bracketed statement announcing to
7 the student body that she had "participated in oral sex."

8 18. Another read, "Honestly I feel like it offers a lot more to the relationship
9 because you kind of get bored if you're not engaging in other activities. It's ok because it's
10 with someone I really care about." This quotation was immediately followed by the female
11 student Plaintiff's full name and an announcement to the entire student body that she had
12 "participated in oral sex and sex."
13

14 19. Another quotation taken from a female student was immediately followed by
15 her full name and announced to the student body that she had "participated in oral sex and
16 sex."
17

18 20. Yet another quotation, this one from a male student, was followed by his full
19 name and announced to the student body that he had "participated in oral sex and sex."
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21 21. After being interviewed, but prior to publication, one of the students
22 specifically asked whether her name would be included in any manner in the Article. She
23 contacted a member of the *JagWire* staff to confirm that this would not be the case, and she
24 received assurances that her name would not be used.

25 22. Kevin Smyth, the journalism instructor at Emerald Ridge, was responsible for
26 oversight of the *JagWire* publication. The journalism class is part of the curriculum at

1 Emerald Ridge, and its purpose is to teach students the subject of journalism and the
2 responsibility that accompanies publishing materials in a newspaper. The instructor was
3 supposed to supervise the publication, and Emerald Ridge had a code of conduct that applied
4 to students and the student newspaper.

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6 23. Prior to publication, Mr. Smyth reviewed the February 2008 edition of
7 *JagWire*, including the Article on oral sex and the statements identifying specific students and
8 disclosing the details of their private sexual histories to the student body, as described above.

9
10 24. Before publication, Mr. Smyth was aware that these four specific students
11 would be identified and that their sexual histories were about to be announced to the entire
12 student body. He was additionally aware that there was nothing indicating that these four
13 students had agreed to be quoted or to have their sexual histories publicly announced to the
14 student body.

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16 25. Mr. Smyth expressed concerns about publishing the quotes and identifying
17 specific students, and was warned by a friend that the Article—and specifically the student
18 quotations—were inappropriate.

19
20 26. Mr. Smyth then failed to take any action whatsoever to protect the students
21 who were about to have their identities, the details of their sexual lives, and a description of
22 their sexual histories published in the newspaper. He did not contact them, and he did not
23 otherwise verify that they knew they were going to be quoted or that they had consented to
24 being identified by name.

25
26 27. Had he done so, he would have discovered that these students were in fact *not*
aware that they were about to be quoted in the student newspaper, or that they were about to
be identified by name, or that the intimate details of their sexual histories were about to be

1 broadcast to the entire student body.

2 28. Mr. Smyth never sought approval for the Article from the students involved,
3 other teachers, or school administrators.

4 29. Despite being warned that the article was inappropriate, despite being unaware
5 whether the students who would be quoted had given their permission, despite his own
6 reservations, and with deliberate indifference, Mr. Smyth sent the February 2008 edition of
7 *JagWire* to press with the offensive and highly-personal quotations, identifying information,
8 and specific sexual history information, as described above.

9 30. The student Plaintiffs learned about the Article, the use of their names, and the
10 pronouncements that they had engaged in sex and oral sex only *after* the Article had been
11 published and circulated to the entire student body at Emerald Ridge, as well as readers
12 outside the school.

13 31. Plaintiffs learned about the disclosure through various means and were
14 extremely humiliated, embarrassed, and stunned to find that their identities and the private
15 details of their sexual histories had been publicly announced to the entire school via the
16 *JagWire* Article. For example, one student was on a field trip when the Article was released,
17 and she learned via text message that she had been specifically identified in the Article and
18 that a description of her sexual history had been printed in the school newspaper. She was
19 terrified to return to campus, and for good reason. When she did, she faced groups of her
20 peers laughing at her, pointing at her, and making derogatory, sneering remarks.

21 32. As a result of the Article, other students made insinuating and sexually
22 degrading remarks about the Plaintiffs, both to them and behind their backs, referring to the
23 students who had been quoted as “sluts,” etcetera.

1 33. Some of the teachers at Emerald Ridge held in-class discussions about the
2 Article and the quotes, perpetuating the harassment inside the classroom as well. A letter to
3 the *JagWire* editor describing the “crude jokes and innuendos” that occurred throughout
4 campus—including in the classroom—as a result of the Article’s publication is attached
5 hereto as Exhibit A.

6 34. The harassment was not confined to school grounds. The Article was viewed
7 by numerous readers outside the confines of the school, and jokes and harassing remarks were
8 made outside the school as well. One Plaintiff was approached at her place of employment by
9 a male student who asked her "how the biggest whore at Emerald Ridge" was doing.

10 35. The parents of the students were all eventually notified. One parent was
11 contacted about the Article on the day it was published by an individual outside the school
12 who had already read the newspaper.

13 36. After the Article went to press and the controversy arose, the student reporters
14 who had conducted the survey began claiming that the students who had been surveyed had
15 given permission to be quoted. Finally, incredulously, and after speaking with their lawyers,
16 they now appear to be claiming that the students actually agreed to have their names included
17 and to have the intimate details of their private sexual histories announced to the entire
18 student body via the *JagWire* Article.

19 37. The journalism students then destroyed the digital recordings that would have
20 confirmed that no permission was ever given or requested; it would also have confirmed that
21 the students who responded were never told that they would be quoted in the newspaper or
22 that their names would be used. The destruction and spoliation of this critical evidence
23 occurred after it became clear that a controversy existed and that a serious question existed as
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25
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1 to the propriety of singling out and identifying individual students.

2 38. The students and parents involved, as well as other teachers and members of
3 the public, contacted Mr. Smyth and the administrators at Emerald Ridge and told them that
4 the Article was highly-offensive, contrary to school policy, and beyond all bounds of decency.
5 True and correct copies of correspondence to that effect are attached hereto as Exhibit B.
6 These sentiments were reiterated by letters to the editor of the News Tribune. A true and
7 correct copy of one such opinion piece is attached hereto as Exhibit C.
8

9 39. Still, and with deliberate indifference, Defendant PUYALLUP SCHOOL
10 DISTRICT refused to remove the Article from publication and continued to circulate the
11 Article to the community, identifying the students by name and announcing to people outside
12 the school that the Plaintiffs had engaged in sex and oral sex.
13

14 40. No action was taken by school administrators or supervisors to prevent this
15 severe sexual harassment of its students or to ensure that the privacy rights of the Plaintiffs
16 were honored and protected.

17 41. Defendant PUYALLUP SCHOOL DISTRICT then deliberately continued to
18 disseminate the offensive and highly-private information to additional persons and parties and
19 continued to use and circulate the offensive Article, even entering the Article in a statewide
20 contest with the identities of the students and the descriptions of their private sexual histories
21 still included.
22

23 42. As a result of Defendant PUYALLUP SCHOOL DISTRICT's actions,
24 inactions, and deliberate indifference, the Plaintiffs were subject to continuing severe sexual
25 harassment, embarrassment, humiliation, ridicule, severe emotional distress, psychological
26 damage and injury, and harm to their reputations—as described herein, and in other ways as

1 well.

2 43. After the additional publication of the Article, numerous complaints about the
3 publication, and criticism of the Article in the local newspapers, the Principal at Emerald
4 Ridge finally sent a letter of reprimand to Mr. Smyth. This was done only *after* numerous
5 complaints were received. A true and correct copy of the letter or reprimand is included as
6 Exhibit D.
7

8 IV. STATUTORY COMPLIANCE

9 44. More than sixty (60) days have lapsed since Plaintiffs presented their claims
10 for damage to Defendant PUYALLUP SCHOOL DISTRICT.

11 45. Accordingly, the prerequisite to the maintenance of this action imposed by
12 RCW 4.96 has been satisfied.

13 V. FIRST CAUSE OF ACTION – VIOLATION OF TITLE IX

14 46. Defendant PUYALLUP SCHOOL DISTRICT had actual knowledge of the
15 forthcoming Article and the severe sexual harassment contained therein.
16

17 47. Defendant PUYALLUP SCHOOL DISTRICT was deliberately indifferent to
18 the severe sexual harassment caused by the content of the Article and allowed the Article to
19 move forward to publication. The District also failed to remove the offending, harassing
20 Article from circulation in a timely manner after learning about it, thereby demonstrating
21 additional deliberate indifference.
22

23 48. Defendant PUYALLUP SCHOOL DISTRICT was deliberately indifferent to
24 the severe sexual harassment caused by the content of the Article and allowed the contents of
25 the Article to be discussed in classrooms throughout campus. This occurred even in the
26 classes in which the student Plaintiffs were enrolled, causing extreme embarrassment,

1 harassment, and continued humiliation and damage.

2 49. Defendant PUYALLUP SCHOOL DISTRICT acted in a sexually degrading
3 and exceptionally insensitive manner toward these students; the District ignored their own
4 policies that the private, intimate details about students' sexual activities should not be
5 publicly announced to the student body by the school.
6

7 50. Defendant PUYALLUP SCHOOL DISTRICT remained deliberately
8 indifferent to the severe sexual harassment contained in the Article by allowing the Article to
9 be re-circulated and by entering the Article in a journalism contest, even after receiving
10 numerous complaints about the offensive nature of the Article's content.

11 51. Defendant PUYALLUP SCHOOL DISTRICT remained deliberately
12 indifferent to the severe sexual harassment contained in the Article and allowed the Article to
13 be re-circulated, knowing that the private, intimate information regarding the sexual lives of
14 students was being disclosed, together with their identities.
15

16 52. The sexual harassment experienced by the student Plaintiffs and permitted by
17 the deliberate indifference of Defendant PUYALLUP SCHOOL DISTRICT was so severe,
18 pervasive, and objectively offensive that it effectively deprived the student Plaintiffs access to
19 the educational benefits and opportunities provided by Emerald Ridge and the District.
20

21 53. As a result of the fact that Defendant PUYALLUP SCHOOL DISTRICT had
22 announced the details of the Plaintiffs' private sexual histories to the entire student body, the
23 Plaintiffs were mocked, jeered, and called "sluts" and "whores" and subject to ongoing sexual
24 harassment, humiliation, and embarrassment. They were also subjected to in-class
25 discussions about the content of the Article and, accordingly, the intimate details of their
26 private sexual histories.

1 **VI. SECOND CAUSE OF ACTION – INVASION OF PRIVACY**

2 54. Defendant PUYALLUP SCHOOL DISTRICT publicized matters concerning
3 the private lives of the Plaintiffs and published highly-private, highly-offensive sexual
4 information, identified the Plaintiffs by name, and did so without their permission and
5 contrary to assurances that the information they provided would remain anonymous.
6

7 55. There was no reason to include the specific identities of the four students who
8 were singled-out, nor was their any reason to disseminate the private details of their sexual
9 histories to the entire student body at Emerald Ridge.

10 56. The quotes published by Defendant PUYALLUP SCHOOL DISTRICT relate
11 to intimate, private, sexual acts, performed by students and which have nothing to do with
12 school; these quotes would be highly offensive to any reasonable person.
13

14 57. The identities of the individual Plaintiffs and the descriptions of the private
15 sexual activities in which they have engaged are of no legitimate concern to the public.

16 58. As a result of the above-referenced invasion of privacy by Defendant
17 PUYALLUP SCHOOL DISTRICT, the Plaintiffs were subject to severe harassment, ridicule,
18 embarrassment, extreme emotional distress, humiliation, physical and mental distress, and
19 damage to reputation.
20

21 **VII. THIRD CAUSE OF ACTION – NEGLIGENT HIRING & SUPERVISION**

22 59. Defendant PUYALLUP SCHOOL DISTRICT owed a duty of reasonable and
23 ordinary care to the Plaintiffs.

24 60. Defendant PUYALLUP SCHOOL DISTRICT breached that duty when,
25 among other things, it hired an under-qualified journalism instructor.

26 61. Defendant PUYALLUP SCHOOL DISTRICT breached that duty when,

1 among other things, it failed to supervise the work of its journalism instructor, leaving him
2 with sole responsibility for oversight of the student publication, *JagWire*, and without
3 sufficient guidelines to ensure that the applicable school policies were followed or to
4 understand that the identities of students and the intimate details of their private sexual lives
5 should not be published in the student newspaper and disseminated to the entire student body.

6
7 62. Defendant PUYALLUP SCHOOL DISTRICT breached that duty when,
8 among other things, it instituted a policy whereby the Emerald Ridge administration would
9 *not* provide guidelines to the journalism instructor, would *not* ensure that he was aware of
10 school policies, and would *not* have anyone review forthcoming editions of *JagWire* prior to
11 their publication.

12
13 63. Defendant PUYALLUP SCHOOL DISTRICT breached that duty when,
14 among other things, it failed to establish or maintain policies and procedures designed to
15 prevent sexual harassment or to ensure the integrity, quality, and appropriateness of material
16 published in *JagWire*.

17
18 64. As a direct and proximate result of these and other breaches by Defendant
19 PUYALLUP SCHOOL DISTRICT, the Plaintiffs were subject to severe harassment, ridicule,
20 embarrassment, extreme emotional distress, and damage to reputation.

21 **VIII. FOURTH CAUSE OF ACTION – ORDINARY NEGLIGENCE**

22
23 65. Defendant PUYALLUP SCHOOL DISTRICT owed a duty or reasonable and
ordinary care to the Plaintiffs.

24
25 66. Defendant PUYALLUP SCHOOL DISTRICT breached that duty when,
26 among other things, it published and circulated highly-offensive material, singling-out the
Plaintiffs, identifying them by name, and disclosing details about their sexual histories to all

1 of their fellow students at Emerald Ridge.

2 67. As a direct and proximate result of these and other breaches by Defendant
3 PUYALLUP SCHOOL DISTRICT, the Plaintiffs were subject to severe harassment, ridicule,
4 embarrassment, extreme emotional distress, and damage to reputation.
5

6 **IX. FIFTH CAUSE OF ACTION – OUTRAGE**

7 68. Defendant PUYALLUP SCHOOL DISTRICT recklessly inflicted severe
8 emotional distress by publishing, circulating, and re-publishing the Article, which identified
9 the Plaintiffs by name and included highly-private and personal information about the sexual
10 activities in which they had engaged.

11 69. The conduct of Defendant PUYALLUP SCHOOL DISTRICT in publishing
12 the Article and circulating it amongst the student body at the Plaintiffs' high school was
13 extreme and outrageous.
14

15 70. In fact, the conduct of Defendant PUYALLUP SCHOOL DISTRICT was so
16 outrageous in character and so extreme in degree that it went beyond all possible bounds of
17 decency. This behavior should be regarded as atrocious and utterly intolerable in a civilized
18 community. The type of harassing sexual graffiti that would be immediately removed from
19 the bathroom wall of any school or establishment was instead printed in the school
20 newspaper. Defendant PUYALLUP SCHOOL DISTRICT broadcasted the intimate details of
21 these students' private sexual lives to the student body, the community, and the world.
22

23 71. A request to announce over the school intercom that a particular student had
24 engaged in oral sex or sex would be immediately denied by any reasonable high school
25 administrator, but that was precisely what Defendant PUYALLUP SCHOOL DISTRICT did
26 by publishing the Article, identifying specific students by name, and broadcasting the details

1 of those students' sexual lives to the entire school.

2 72. As a direct and proximate result of Defendant PUYALLUP SCHOOL
3 DISTRICT's recklessness, the Plaintiffs have suffered severe emotional distress, harassment,
4 ridicule, and embarrassment.

5 73. Significantly, there was no legitimate reason to include the identities of
6 students or to publicly announce the private, intimate details of their sexual histories.
7

8 **X. PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiffs request a judgment against Defendant PUYALLUP
10 SCHOOL DISTRICT:

- 11 (a) Awarding Plaintiffs general and special damages in an amount to be proven at
12 trial;
- 13 (b) Awarding them reasonable attorneys' fees and costs pursuant to 42 U.S.C. §
14 1988, and as otherwise available under the law;
- 15 (c) Awarding them any and all applicable interest on the judgment; and
- 16 (d) Awarding them such other and further relief as the Court deems just and
17 proper.
18

19 DATED this 14 day of November, 2008.

20 CONNELLY LAW OFFICES

21
22 By 

23 John R. Connelly, Jr., WSBA No. 12183
24 Nathan P. Roberts, WSBA No. 40457
25 Attorneys for Plaintiffs
26

1 **XI. DEMAND FOR JURY TRIAL**

2 Pursuant to Federal Rule of Civil Procedure 38(b), the Plaintiffs hereby demand a jury
3 for all issues so triable.

4 DATED this 14 day of November, 2008.

5 CONNELLY LAW OFFICES

6
7 By 

8 John R. Connelly, Jr., WSBA No. 12183
9 Nathan R. Roberts, WSBA No. 40457
Attorneys for Plaintiffs

EXHIBIT A

3/2008
JAGWIRE

LETTER TO THE EDITOR

Editorial Board and Staff of JagWire:

It is disheartening to see a publication that has produced quality journalism sink to the level of magazines one would expect to find behind the counter of a convenience store. Actually, this is really not a great surprise, as this type of tabloid-inspired strategy has been employed previously by JagWire over the past couple years.

One would hope that those with a true concern for helping to bring positive change to our society through the use of journalism would feel an ethical responsibility to forego the use of salacious images in order to increase reader interest. Your photos were highly suggestive and undermine the alleged serious nature of your feature topic. Here are some questions for you: Was the photo on the cover one of our students, or was it downloaded? If it was one of our students,

I dare say we, as a school, may be skirting laws related to child pornography. If it was downloaded, why do you have access to images that are not available to our student body at large? If a student did bring such an image up on a computer screen at school, would it be regarded as appropriate to the school setting?

In addition, the inclusion of specific student experiences along with their names undermines the alleged objective of presenting a serious discussion of the issue. Whether the respondents in your interviews are 18 or 80, there seems to be only one reason for the use of these accounts, and that is to use sex in order to "sell" papers.

If a basic tenet of journalism is to know your audience, in this I believe you have succeeded. I can only speak for my own classroom, but instead of provoking a thoughtful

discussion among students, I found myself dealing with crude jokes and innuendos. If this issue was so important for our student body, one would expect that there would be an attempt to prepare advisors to handle the topic in a proper manner.

Perhaps what is most disappointing for me is the lack of responsible direction provided for you by adults who are ethically bound to do so. If the portrayal in the News Tribune article is accurate, the response of adults at all levels in the district was the equivalent of a collective shoulder shrug and, "Oh well." Maybe this is an unfair depiction, but if the quotes are accurate, this is basically what we will see come of this incident. One would hope that we would see our adult leaders express their personal disapproval, although they may have been powerless to do anything due to legal considerations. Each day I walk

through our commons and see the portrait of the Rev. Dr. Martin Luther King, Jr., I am thankful to God that he was willing to stand for what believed, even when it wasn't legal, popular or convenient.

In conclusion, I bring an appeal to those of you on the JagWire staff who strive to encourage the better parts of our nature. Stand strong during editorial discussions and demand that the content of the paper is designed to build up those who choose to read it. Those of you who know me well, understand how painful it is for me to see our student body encouraged in unhealthy thoughts and actions. With this in mind, I cannot in good conscience support the mission of the JagWire as it now stands.

Sincerely,
Brad Mirk

EXHIBIT B

From: Mitch Noll
To: Lowney, Brian; Smyth, Kevin
Date: Fri, Feb 29, 2008 11:23 AM
Subject: Concern part 2

Brian,

I am retracting my previous e-mail. I am not asking if we have crossed a line with this issue of The Jagwire, I am **STATING** we have crossed a line. Our newspaper has gone too far. I do not plan on leaving this situation alone.

~Mitch

Mitch Noll
ASL Instructor
Emerald Ridge High school
12405 - 184th St. E.
South Hill, WA. 98374
(253) 435-6300
(253) 435-6310 Fax
mnoll@puyallup.k12.wa.us

From: Mike & Kim <
To: <blowney@puyallup.k12.wa.us>
Date: Mon, Mar 3, 2008 11:41 AM
Subject: JagWire

Dear Mr. Lowney,

I am the mother of an 18 year old senior who attends Emerald Ridge. I am writing to let you know that I am extremely disappointed in the articles that were written for the JagWire, the editorial review board and the lack of adult over-sight of the entire process.

While I understand that the columns were intended to inform the students and take on a subject that is very relevant to teens and young adults, the way that they were written was very sensationalized and more in the style of a sleazy tabloid. The students that are reading the school newspaper should be given factual information only (when dealing with a serious health topic), not graphic one or two sentence quotes from students who seem to think that there is no shame in performing sexual acts with someone they have only known for days.

I would have no problem whatsoever with oral sex being added as a topic to the sex-ed program already in schools but allowing students to survey their peers and publish editorials on their morals (or lack there of) with the apparent sponsorship of Mr. Smyth is outrageous.

The presumptive fact that at least one of the students is under the age of 18 makes this entire situation even more ridiculous. Even though the majority of the students who were quoted about their sexual history are 18 that does not change the fact that they are students. We parents give our children to you (teachers, advisors, principals) for 6-7 hours a day to educate them. You are not required, expected or wanted to be their morality coach. When a situation like this arises, the adult (in this case Mr. Smyth) should err on the side of caution and explain to the students why this would be an inappropriate use of high school journalism.

The front cover photo of the newspaper is also quite provocative. Is that young lady a student at Emerald Ridge? What do you (and the editorial board, including Mr. Smyth) think of the photo? I can't believe that the young ladies parents are accepting of it. If the writers and editors really wanted to create a serious dialog about this topic the front page should have been an up-close photo of a mouth with open sores caused by herpes, papillomavirus or syphilis.

I am extremely grateful that my son was not quoted in the news paper - on either side of the issue. If he was I would have been standing in the office this morning speaking to you in person. I am also glad that my son does not have Mr. Smyth for a teacher or there would be some schedule changes going on. I certainly hope that Mr. Smyth is going to be much more cautious in his advisory roll. May I also suggest that you as principal read your schools newspaper before it is published.

My youngest son is in 9th grade at Ferrucci. He is very much looking forward to attending Emerald Ridge like his two older brothers. Now, with this latest controversy hitting Puyallup schools we can once again talk about pulling him out and sending him to private school where the educators it would seem, keep in mind that the parents should have the final say regarding things of this nature. Your job is to prepare my child academically for college and the work place. My job is to make sure that he is a hard-working, kind, moral, courteous young man. Please don't make my job any harder than it already is.

Thank you for your time,

Kim Osterman

PSD/Bates 0035

From: Jason Kaye
To: <blowney@puyallup.k12.wa.us>
Date: Tue, Mar 4, 2008 12:08 PM
Subject: Journalism at ER

Mr. Lowney,

Given the recent controversy surrounding your student newspaper, I thought it might be a good time to tell you that I believe your journalism instructor is not only unqualified to do his job, but as far as I can tell he's not doing the job at all.

My daughter, _____ was in Kevin Smyth's class last semester. It was an utter waste of her time. At no time did anyone teach her anything. No one taught the students what a lead was, how to find sources, conduct interviews, use AP style or how to write in an inverted pyramid. According to her, Smyth just let the editorial board students run the show. When I asked how he was giving grades she explained that the criteria, which had been changed mid-way through the semester, was 10% on story ideas, 10% on discussion participation, 40% on the first draft in by deadline and 40% on the last edit in by press time – as a journalist it disturbs me greatly that accuracy is not part of that criteria.

I emailed him before winter break to express my concerns. He explained that he was new and was trying to learn. I asked him what the objective of the class was, what the curriculum was and if I could have a copy of the syllabus. He provided me with none of those and instead differed to a meeting after the break.

I wrote someone I knew at the Washington Journalism Educators Association and they informed me that they were aware of the issue at your school. She told me that they offered to help but he had not responded.

Because _____ transferred out of the class I never got around to meeting with Mr. Smyth, but after hearing her tell me about the latest issue and seeing the story about it in The News Tribune I felt like I should contact you.

I've got no problems with students tackling tough issues, and I certainly do not think the school should dictate or censor what the students are doing on the newspaper. My problem is when they do it without qualified supervision. I doubt that the school would hire a football coach that had no background in the sport, so why is it OK to hire a newspaper adviser with no journalism experience?

Regards,
Jason Kaye

Be a better friend, newshound, and
know-it-all with Yahoo! Mobile. Try it now.
http://mobile.yahoo.com/;_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ

PSD/Bates 0039

From: Rita Owens
To: Lowneybm@puyallup.k12.wa.us
Date: Fri, Feb 29, 2008 2:46 PM
Subject: Dear Brian,

Dear Brian,

We got the copy of the Jag paper today...My question is this...where is the integrity in this school? It seems non-existing these days. Why don't we just label the paper COSMOPOLITAN, or MAXIM. It seems that drugs, sex, violence is mostly what the paper contains each publishing. It seems to be glamourized extensively. And the following article asks why all the failings? Our school does not even enforce the dress code. Our young girls look like prostitutes, but no one sends them home to change, since we're frightened of law suits. I'm no Einstein, but our freedom of speech here has gotten out of hand. If the schools can't change our policy to enforce some integrity and ethics (since, yes, some don't get them at home) we'll all continue to spiral downward. I've had some of this bugging me for awhile, but when I saw our cover, I could not believe this was printed.

I understand that we must keep up with the times, as the old saying goes, but is not somewhat easy to see some of the policies are not working?

This surely won't make points with you, but I do know you have the ultimate decision to ban certain practices. Maybe these "articles of interest" should be left alone in some areas. It certainly doesn't seem to be helping the teens. Just stirs up more drama, they all seem to be on overkill on drama.

Just dissapointed and wanted to voice the matter. Thanks, Rita

EXHIBIT C

Tacoma, WA - Monday, November 3, 2008

[< Back to Regular Story Page](#)**Student journalists have obligations, too****BARBARA SCHLOTFELDT; Tacoma**

Last updated: October 15th, 2008 12:46 AM (PDT)

Re: "How free is student speech?" (TNT, 10-13).

It seems there is much confusion regarding the whole business of "freedom of speech" of students involved with student newspapers. There's a difference between freedom and flagrant license, between news and gossip, between journalism and gratuitous sensationalism. As for "rights": For every right, there is a corresponding responsibility to do no unnecessary harm.

In our culture, too many people tout their rights without any concern for that corresponding responsibility. Instead of complaining about the so-called "infringement of our rights as students," the quoted student would do well to consider his responsibility for the welfare of his fellow students and their reputations.

Some suggested criteria would be to ask the following questions before printing any article: Who needs to know? Will the article benefit anyone? Will the article harm anyone? Will the article elevate the readers, or will it debase those who read it?

It is entirely appropriate, indeed desirable, that students' journalistic efforts be read and approved by their supervisors. That is how they learn what responsible journalism is all about.

They are still, after all, students, with much to learn, including good judgment so that they can someday be of genuine service to the world.

The world needs high-caliber journalists of integrity, good judgment and decency.

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EXHIBIT D

March 26, 2008

Mr. Kevin Smyth
Emerald Ridge High School

Dear Mr. Smyth:

This letter of reprimand is being issued to you for lack of oversight in your role as faculty advisor for the student newspaper. I met with you on several occasions (February 29, March 1, March 2, March 4, March 14, and March 26) to discuss a recent edition of the JagWire and your role as newspaper advisor. I also facilitated a meeting with you, the editorial board of the paper, and me regarding the February 29 issue of the JagWire.

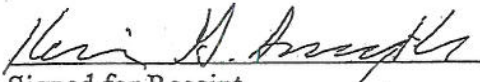
I believe that decisions regarding some content, survey methods/approval, suggestive photos, and the naming of sources were based on poor judgment.

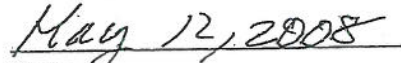
You have expressed regret, have worked well with the students and media in mediating the issues, and have agreed to address the decision-making process of the editorial board and your role in this process. Be advised that, should this type of issue continue, you will be subject to further disciplinary action.

Sincerely,

Brian Lowney
Principal

c: Personnel File
Casey Cox
Larry Sera


Signed for Receipt


Date