



April 7, 2026

Rick Hollendieck  
Office of the President  
Gretna Public Schools Board  
11717 South 216th St.  
Gretna, Nebraska 68028

**URGENT**

*Sent via U.S. Mail and Electronic Mail (rhollendiek@gpsne.org)*

Dear President Hollendieck:

FIRE’s Student Press Freedom Initiative<sup>1</sup> is concerned by the demands of Gretna East High School administrators that students remove an anti-ICE cartoon from Gretna East Media’s website, and by the school’s subsequent imposition of prior review.<sup>2</sup> We join GEM students and the Student Press Law Center in calling on you to grant GEM reporter Nicholas Mitchell’s appeal of these censorial acts, which violate student journalists’ First Amendment rights.

We note students involved with GEM have operated with editorial independence since August 2023—pitching, assigning, reporting, and editing stories independently without mandatory administrative review.<sup>3</sup> Reports from students and the Student Press Law Center indicate only one prior instance of administrative intervention, involving a story that raised safety concerns by a school resource officer.<sup>4</sup> Notwithstanding that instance, GEM’s website provides that its student newspaper “is a platform for student journalists to explore their passion for reporting and storytelling” and accepts letters from “the Gretna East community to engage in meaningful

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<sup>1</sup> For more than 25 years, FIRE has defended freedom of expression and other individual rights on America’s university campuses. FIRE’s Student Press Freedom Initiative (SPFI) defends the rights of student journalists. You can learn more about our mission and activities at [fire.org](https://fire.org).

<sup>2</sup> Nicholas Mitchell, *Formal Appeal: Censorship of Student Media at Gretna East High School*, 3–4 (Mar. 30, 2026), [https://splc.org/wp-content/uploads/2026/03/Nebraska-Gretna-East-HS-formal\\_appeal-March-2026.pdf](https://splc.org/wp-content/uploads/2026/03/Nebraska-Gretna-East-HS-formal_appeal-March-2026.pdf); Jonathan Gaston-Falk, *Gretna East Board of Education Appeal Support Letter*, 4 (Mar. 30, 2026), <https://splc.org/wp-content/uploads/2026/03/Nebraska-Gretna-East-Board-of-Education-Appeal-Support-Letter-March-2026.pdf>. This recitation of facts reflects our understanding of the pertinent information based on publicly available information. We appreciate that you may have additional information to offer and invite you to share it with us.

<sup>3</sup> Mitchell, *supra* note 2, at 1.

<sup>4</sup> Gaston-Falk, *supra* note 2, at 3.

dialogue and share their perspectives.”<sup>5</sup> While the school does not have a stated media policy, its “Controversial Issues” policy provides that students shall have the opportunity “[t]o form, and in appropriate manner and in appropriate forum, to express the students’ own judgments on controversial issues.”<sup>6</sup>

In February, GEM reporter Aidan McClaren published on GEM’s website an editorial cartoon critical of U.S. Immigration and Customs Enforcement operations in Minneapolis.<sup>7</sup> Soon after, GEHS administrators instructed GEM to remove the cartoon.<sup>8</sup> When McClaren sought to write an opinion piece about the cartoon’s removal, administrators demanded that the piece undergo prior review and obtain administrative approval.<sup>9</sup>

GEM Editor-in-Chief Madeline Petrick asked Director of Human Resources Andrew Rinaldi the school’s reasoning behind these censorial acts, and Rinaldi provided in writing two reasons: (1) the district could remove content to prevent appearing to take a partisan stance on politically charged matters because the paper is school-sponsored, citing *Hazelwood v. Kuhlmeier*,<sup>10</sup> and (2) the stand-alone cartoon itself could lead to a substantial disruption, referencing *Tinker v. Des Moines Independent Community School District*.<sup>11</sup> Another GEM reporter, Nicholas Mitchell, raised student press freedom concerns about Rinaldi’s reasoning with Principal Chad Jepsen and Superintendent Travis Lightle but did not succeed in reversing administrators’ course of action, prompting him to launch a petition urging the school board to adopt a formal student press freedom policy, reinstate the removed cartoon, and stop conducting prior review.<sup>12</sup> Subsequently, Mitchell filed an appeal to the Gretna Public Schools Board of Education to fulfill these asks on March 30.<sup>13</sup>

### **I. Gretna East High School Administrators’ Censorship of Student Journalists and Imposition of Prior Review Is Unconstitutional**

The administration misapplied *Hazelwood* and *Tinker* to justify its decision to censor GEM and impose prior review. While the district has no formal student media policy, Policy 6390 reflects

<sup>5</sup> *About*, WINGSPAN, <https://gretnaeastmedia.com/about/> [<https://perma.cc/C84A-5MA7>].

<sup>6</sup> *Policy 6390: Controversial Issues*, GRETNA PUBLIC SCHOOLS (June 12, 2017), <https://docs.google.com/document/d/11S2xQ0gf8pvX34GTqgMnhyDaTheo4hKUESJdmrKjWCQ/edit?tab=t.0> (last visited Apr. 3, 2026).

<sup>7</sup> Mitchell, *supra* note 2, at 1. Macy Byars, *Gretna East admins pulled a student journalist’s cartoon about ICE. Now, students are looking to change district policy*, NEB. PUBLIC MEDIA (Apr. 2, 2026), <https://nebraskapublicmedia.org/en/news/news-articles/gretna-east-admins-pulled-a-student-journalists-cartoon-about-ice-now-students-are-looking-to-change-district-policy/>.

<sup>8</sup> Byars, *supra* note 7.

<sup>9</sup> *Id.*

<sup>10</sup> 484 U.S. 260 (1988).

<sup>11</sup> 393 U.S. 503 (1969); Mitchell, *supra* note 2, at 1.

<sup>12</sup> Mitchell, *supra* note 2, at 1; *Urge Gretna Public Schools to protect student press freedoms*, CHANGE.ORG (Mar. 3, 2026), [https://www.change.org/p/urge-gretna-public-schools-to-protect-student-press-freedom?utm\\_medium=custom\\_url&utm\\_source=share\\_petition&recruited\\_by\\_id=1340ea50-172b-11f1-bde5-e91f0b07490f](https://www.change.org/p/urge-gretna-public-schools-to-protect-student-press-freedom?utm_medium=custom_url&utm_source=share_petition&recruited_by_id=1340ea50-172b-11f1-bde5-e91f0b07490f) (last visited Apr. 3, 2026).

<sup>13</sup> Byars, *supra* note 7.

the district’s commitment to empowering students to express their opinions on controversial topics. The administration’s decisions cannot be squared with its policy or its constitutional obligations and accordingly warrant reversal.

*Hazelwood* does not grant school administrators unbridled discretion to censor student journalists, but rather applies only to school-sponsored speech—e.g., publications that are reasonably understood to bear the school’s imprimatur, are part of its curriculum, and are not a forum the school designates for student expression.<sup>14</sup> In that limited context, schools may regulate a publication’s content if doing so is “reasonably related to legitimate pedagogical interests.”<sup>15</sup> However, when a publication *is* set aside “by policy or by practice” as a forum for expression by student journalists or the student body generally, *Tinker* applies instead,<sup>16</sup> meaning the school may regulate content only if it is unlawful (such as libel or obscenity) or it is reasonably expected to create a material and substantial disruption.<sup>17</sup>

Lack of a formal media policy requires examination of GEM’s practices, which reveal GEM to be a forum for student expression.<sup>18</sup> Since GEM’s creation, no regular practice has required administrative approval before publication. A single act of administrative intervention in the paper’s entire existence does not establish such a practice.<sup>19</sup> Further, by GEM’s own statements on its website, the outlet is open to the Gretna East community for open discourse.<sup>20</sup> Rinaldi’s invocation of *Hazelwood* is thus misplaced.<sup>21</sup>

And Rinaldi’s explanations fall short even if, for the sake of argument, *Hazelwood*’s “reasonably related to legitimate pedagogical concerns” standard controlled here. First, any pedagogical concern about potential disruption at GEHS lacks a factual basis and is thus unreasonable.<sup>22</sup> Second, asserting that the district may prevent publication of partisan or politically charged material would effectively decimate GEM’s opinion sections in a manner incompatible with

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<sup>14</sup> 484 U.S. at 270–71.

<sup>15</sup> *Id.* at 273.

<sup>16</sup> *Id.* at 267.

<sup>17</sup> 393 U.S. at 513.

<sup>18</sup> See *Hazelwood*, 484 U.S. at 267 (“Hence, school facilities may be deemed to be public forums only if school authorities have ‘by policy or practice’ opened those facilities ‘for indiscriminate use by the general public,’ or by some segment of the public.”) (quoting *Perry Educ. Assn. v. Perry Local Educ. Assn.*, 460 U.S. 37, 46–47 (1983)) (cleaned up).

<sup>19</sup> *Id.* at 270.

<sup>20</sup> See Mitchell, *supra* note 2, at 1; Gaston-Falk, *supra* note 2, at 3; WINGSPAN, *supra* note 5.

<sup>21</sup> See, e.g., *Dean v. Utica Cmty. Sch.*, 345 F. Supp. 2d 799, 805 (E.D. Mich. 2004).

<sup>22</sup> See 484 U.S. at 273. Administrators who seek to limit student expression based on the risk of substantial disruption must “demonstrate any facts which might reasonably have led school authorities to forecast substantial disruption,” to justify such decisions, *Tinker*, 393 U.S. at 514, and “a mere desire to avoid the discomfort and unpleasantness” based on an “unpopular viewpoint” is insufficient, *id.* at 509. Justifying censorship with no factual basis supporting a forecast of substantial disruption is unreasonable. 484 U.S. at 273.

any reasonable educational lesson the school would hope to teach journalism students,<sup>23</sup> especially given that GEHS’s pedagogical interest lies in shaping an informed student body that can discuss partisan or politically charged issues. “America’s public schools are the nurseries of democracy,”<sup>24</sup> not a training ground for a silenced citizenry.

Rinaldi’s justification for censoring GEM is also incompatible with *Tinker*, as “substantial disruption” is a “demanding standard,”<sup>25</sup> one requiring more than “undifferentiated fear or apprehension of disturbance.”<sup>26</sup> The mere fact that a student’s opinion offends or upsets others cannot constitute substantial disruption.<sup>27</sup> That some may be offended by McClaren’s cartoon does not give administrators leeway under *Tinker* to censor or conduct prior review.

## **II. Gretna Public Schools Should Adopt a Clear Student Media Policy to Protect Student Journalists’ First Amendment Rights**

The district’s own general policy goes beyond mere tolerance of student expression to instead affirmatively recognize students’ right “to form, and in the appropriate manner and in appropriate forum, to express [their] own judgments on controversial issues.”<sup>28</sup> McClaren’s cartoon—published in the student newspaper, which is open to editorial opinions of the Gretna East community—should be exactly the type of content this policy seeks to protect.

That GEHS censored the cartoon and subjected the ensuing article recounting administrators’ actions to prior review demonstrates that this policy is not sufficient to safeguard student journalists’ First Amendment rights. The Gretna Public Schools Board should thus adopt a clear student-media policy to prevent a situation like this from recurring and to enshrine the *Tinker* standard as applicable to Gretna Public Schools’ student journalists.<sup>29</sup>

## **III. Conclusion**

Gretna Public Schools must rectify GEHS’s unconstitutional actions by granting Mitchell’s appeal and ending GEHS administrators’ censorship and prior review. Further, the district should implement a student media policy protective of student journalists’ expressive rights. Given the urgent nature of this matter, we request a substantive response to this letter no later

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<sup>23</sup> Indeed, prior review is widely regarded by journalism educators as a practice that serves “no legitimate educational purpose.” *JEA issues statement on prior review*, JOURNALISM EDUC. ASSN. (Apr. 30, 2009), <https://jea.org/news/scj-priorreviewstmt/> (last visited April 2, 2026).

<sup>24</sup> *Mahanoy Area Sch. Dist. v. B.L.*, 594 U.S. 180, 190 (2021).

<sup>25</sup> *Id.*

<sup>26</sup> *Tinker*, 393 U.S. at 508.

<sup>27</sup> *Mahanoy*, 594 U.S. at 190.

<sup>28</sup> *Policy 6390: Controversial Issues*, *supra* note 6.

<sup>29</sup> Specifically, FIRE echoes Mitchell and the Student Press Law Center’s calls for the school board to adopt a formal student media policy establishing that editorial decisions in school-sponsored media rest with student editors and their faculty advisers, not with building-level or district-level administrators, such as the model policy available for high schools at [splc.org](http://splc.org).

than the close of business on April 15, confirming that Gretna Public Schools will take these steps to safeguard student journalists' constitutional rights.

Sincerely,

A handwritten signature in black ink that reads "Marie McMullan". The signature is written in a cursive style with a large, stylized initial "M".

Marie McMullan  
Student Press Counsel, Campus Rights Advocacy

Cc: Andrew Rinaldi, Director of Human Resources  
Chad Jepsen, Principal