



May 6, 2026

Superintendent Courtney Goode
Tamalpais Union High School District
395 Doherty Drive
Larkspur, California 94939

Sent via U.S. Mail and Electronic Mail (cgoode@tamdistrict.org)

Dear Superintendent Goode:

FIRE's Student Press Freedom Initiative¹ is concerned by reports that Tamalpais Union High School District launched an investigation into Redwood High's student paper, *The Redwood Bark*, for publishing a photo of protesters holding a political sign, and that the school principal demanded *The Bark* alter a social media post about its Epstein files reporting. As federal and state law bar administrators from interfering with *The Bark*'s editorial independence, we urge the district to end its investigation into *The Bark* and stop any other censorship practices.

On February 4, *The Bark* published a cover story with a photo from a local January 30 protest that showed students holding a large "Students Fight Back!" sign with the subjects of their fight below: "Against Zionism," "Against Trump's Billionaire Agenda," and "Against Mass Deportations."² The cover image sparked backlash from community members, prompting the editors-in-chief to publish a letter on February 20 "acknowledging that this image caused pain and concern for some readers, particularly some members of our Jewish community," while also noting the paper's "responsibility is to present reality as it occurred."³ On February 27, an individual complained to school leaders, writing: "I am worried that Redwood's student paper decided to publish an image of a protest slogan about Zionism that has increasingly been used as an antisemitic slur,"⁴ a complaint that appeared to refer to the phrase "Students Fight Back

¹ For more than 25 years, FIRE has defended freedom of expression and other individual rights on America's university campuses. You can learn more about our mission and activities at fire.org. FIRE's Student Press Freedom Initiative (SPFI) advocates for the rights of student journalists across the country.

² Thomas Peele, *Student journalists' free press rights rested at Marin County high school*, EDSOURCE (APR. 27, 2026), <https://edsources.org/2026/high-school-journalists-face-censorship/756721>. See also Logan Scully and Reed Grossman, *Thousands gather at Dolores Park amidst nationwide 'ICE out' protest*, THE REDWOOD BARK (Feb. 6, 2026), <https://redwoodbark.org/107690/news/thousands-gather-at-dolores-park-amidst-nationwide-ice-out-protest/>. The recitation here reflects our understanding of the pertinent facts based on publicly available information. We appreciate that you may have additional information and invite you to share it with us.

³ Editorial Staff, *A reflection on the Bark's February 2026 cover*, THE REDWOOD BARK (Feb. 20, 2026), <https://redwoodbark.org/108019/opinion/a-reflection-on-the-barks-february-2026-cover/>.

⁴ Peele, EDSOURCE, *supra* note 2.

Against Zionism.” On March 4, the district’s senior director of student services emailed *The Bark*’s adviser, Erin Schneider, announcing the assignment of an independent investigator “to conduct a thorough and neutral review of the complaints filed” about the cover image.⁵ Superintendent Goode indicated to a reporter the investigation concerns “harassment and discrimination.”⁶

Separately, *The Bark* posted to Instagram on February 13 the Marin County towns mentioned in the Epstein files⁷ and noted that government records mentioned French national Gisele Attias Bonnouvrier as “providing models to Epstein.”⁸ On February 23, Redwood High School Principal Barnaby Payne received an email from Bonnouvrier demanding removal of her name from the post and threatening a lawsuit.⁹ Payne later emailed *The Bark* adviser Erin Schneider, “I have a directive from the cabinet and superintendent to redact the one name immediately from the post.”¹⁰ *The Bark* archived the post, and later restored it.¹¹

I. Administrators Must End the Investigation into the February 2026 Cover Photo

The investigation into *The Bark*’s February cover photo does not square with the school district’s constitutional obligations. Students do not shed their free speech rights upon entering school.¹² California state law enshrined this right to clearly include student journalists and their publications, even those that are school-sponsored¹³ and created in journalism classes.¹⁴ Yet the district is chilling students from exercising their free speech and press rights with its probe into a lawful news image that, by itself, cannot constitute discriminatory harassment.

The Supreme Court has made clear that student expression may constitute actionable peer discriminatory harassment—and thus loses protected status—*only* where it is unwelcome, discriminatory on the basis of protected status, and “so severe, pervasive, and objectively offensive, and [...] so undermines and detracts from the victims’ education experience, that the victim-students are effectively denied equal access to an institution’s resources and opportunities.”¹⁵ A single photo on the cover of a newspaper falls well short of this standard.

⁵ *Id.*

⁶ *Id.* “By law, our kids are compelled to come to school. We are obligated and compelled to provide them with an environment free of harassment and discrimination,” [Superintendent Goode] said.”

⁷ The Redwood Bark (@theredwoodbark), INSTAGRAM (Feb. 13, 2026), <https://www.instagram.com/p/DUR6-Z9Ebsx/> [<https://perma.cc/XZ9A-R9JK>].

⁸ *Id.* at image 7. *See also* Peele, EDSOURCE, *supra* note 2.

⁹ Peele, EDSOURCE, *supra* note 2.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969).

¹³ Cal. Ed. Code § 48907(a), (c).

¹⁴ *See Smith v. Novato Unified Sch. Dist.*, 150 Cal.App.4th 1439, 1463–65 (Cal. 2007) (high school’s response to opinion article published in newspaper created in journalism class infringed student journalist’s free speech right and thus violated Cal. Ed. Code § 48907).

¹⁵ *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 651 (1999).

The Bark simply reported on a newsworthy event by publishing an image of what participants actually displayed. That is routine journalism. Treating this sort of editorial judgment as “harassment” would deter student journalists from covering anything controversial if it is even tangentially related to a protected characteristic like race or ethnicity. To provide perspective, in *Davis*, the harasser made vulgar statements to the other student for a five-month period (as well as engaging in unwanted touching).¹⁶ The cover photo bears no resemblance to the kind of student expression that loses constitutional protection by rising to the level of discriminatory harassment.

The school should thus promptly end this investigation to avoid any further unlawful chilling of protected expression. The question is not whether an institution ultimately imposes formal sanctions after an investigation, but whether its activities would “chill or silence a person of ordinary firmness from future First Amendment activities.”¹⁷ A probe by an outside attorney into student journalists’ editorial processes will naturally discourage them from publishing controversial images in the future, even those that are protected. The investigation, therefore, must end.

II. Administrators’ Takedown Demand of the Social Media Post Was Unlawful

Likewise, Principal Payne’s demand to *The Bark*’s adviser requiring student editors to remove their Epstein files post ignored students’ rights under Supreme Court precedent for editorially independent student publications and under California’s Student Free Expression Law. Under *Hazelwood v. Kuhlmeier*, if school-sponsored publications are set aside “by policy or practice” as a forum for expression, school officials may regulate content only if it is unlawful (such as libel or obscenity) or reasonably expected to create a material and substantial disruption.¹⁸ *The Bark*, according to its website, “is a limited public forum for student expression,” so demands for censorship are not permitted even under *Hazelwood*.¹⁹

Moreover, California’s Student Free Expression Law specifically ensures student journalists’ right of expression in school publications and vests student editors with the responsibility of assigning and editing the news.²⁰ Under state law, the only exclusions to this editorial freedom are for obscene, libelous, or slanderous expression.²¹ And in California, any fair or true report in a public journal of any public official proceeding—including federal and state investigations—enjoys an absolute privilege from liability.²² Here, *The Bark*’s social media post about the Epstein files constituted such a report. Administrators cannot justify censorship by invoking the threat of a meritless lawsuit. Even more concerning is reporting that

¹⁶ *Id.* at 653.

¹⁷ *Mendocino Env’t Ctr. v. Mendocino Cnty.*, 192 F.3d 1283, 1300 (9th Cir. 1999).

¹⁸ 484 U.S. 260, 267 (1988).

¹⁹ *About us*, THE REDWOOD BARK, <https://redwoodbark.org/about-us/>.

²⁰ Cal. Ed. Code § 48907(a), (c).

²¹ *Id.* § 48907(a).

²² Cal. Civ. Code § 47(d). *Howard v. Oakland Tribune Co.*, 199 Cal.App.3d 1124, 1128 (Cal. Ct. App. 1988) (state Department of Education investigation of day-care center constituted a public official proceeding); *Green v. Cortez*, 151 Cal.App.3d 1068, 1073 (Cal. Ct. App. 1984) (internal police investigation of alleged officer misconduct was public official proceeding under Section 47(d)(4)); *Peper v. Gannett Co., Inc.*, 2003 WL 22457121 (Cal. Sup. Ct. Apr. 4, 2003) (fair and true reports of investigations by United States Food and Drug Administration fell under Section 47(d)).

Superintendent Goode admitted “no legal analysis was done before issuing the directive to remove the woman’s name.” Such an analysis would have revealed the lawsuit threat was groundless and could not justify a directive to remove the name.

III. Conclusion

We request a substantive response to this letter no later than the close of business on May 20, confirming that the district will end its investigation into *The Bark* and commit to ending its censorship practices.

Sincerely,

A handwritten signature in black ink that reads "Marie McMullan". The signature is fluid and cursive, with the first name "Marie" being larger and more prominent than the last name "McMullan".

Marie McMullan
Student Press Counsel, Campus Rights Advocacy

Cc: Barnaby Payne, Principal