



February 18, 2026

VIA ELECTRONIC MAIL

Principal Carrie Gaier
El Capitan High School
Email: cgaeir@guhsd.net

Re: Senior Quotes in Yearbook

Dear Ms. Gaier:

The First Amendment Coalition ("FAC") is a nonprofit, nonpartisan organization dedicated to defending free speech, a free press and the people's right to know.

Founded in 1974, the Student Press Law Center is a nonprofit legal-aid organization serving America's student media community nationwide with training, legal research and dispute resolution assistance.

We write on behalf of FAC and the Student Press Law Center to address your decision to ban all senior quotes in the El Capitan yearbook, as it was reported in the media. No matter how well intentioned the decision was, it violates California law protecting students' freedom of speech. Please rescind your unlawful decision immediately. Failure to do so would expose the school district to potentially expensive and time-consuming litigation.

California led the country in adopting "the nation's first statutory scheme for protecting students' free expression on school campuses," which guarantees greater free speech rights for students than does the First Amendment. *Lopez v. Tulare Joint Union High Sch. Dist.*, 34 Cal. App. 4th 1302, 1311 (1995).

According to state law, "Pupils of the public schools, including charter schools, shall have the right to exercise freedom of speech and of the press including, but not limited to ... the right of expression in official publications, whether or not the publications or other means of expression are supported financially by the school or by use of school facilities." Educ. Code § 48907(a).

The only student speech that may be prohibited is that "which is obscene, libelous, or slanderous" or "so incites pupils as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school," or in official school publications, that which does not meet "professional standards of English and journalism." Educ. Code § 48907(a), (c).

The reach of the statute's limits on student speech is strictly limited. Obscenity covers "only depictions of 'sexual conduct'" that meet a stringent legal definition. *Brown v. Entm't Merchs.*

Ass’n, 564 U.S. 786, 792–93 (2011) (quoting *Miller v. California*, 413 U.S. 15, 24 (1973)). The ban on libel or slander requires a reasonable belief that the speech at issue constitutes “actionable defamation,” *Leeb v. DeLong*, 198 Cal. App. 3d 47, 60 (1988), which requires at minimum a false and unprivileged statement of fact about a specific individual and remains subject to strict First Amendment limits when the statement is about a public official or figure. *New York Times Co. v. Sullivan*, 376 U.S. 254, 279–80 (1964); *Taus v. Loftus*, 40 Cal. 4th 683, 720, 722 (2007); *Ampex Corp. v. Cargle*, 128 Cal. App. 4th 1569, 1577 (2005). In official school publications, “professional standards” may preclude “profane words” in some circumstances. *Lopez*, 34 Cal. App. 4th at 1325. Otherwise, the statute prohibits only speech that actually “incites disruption, either because it specifically calls for a disturbance or because the manner of expression (as opposed to the content of the ideas) is so inflammatory that the speech itself provokes the disturbance.” *Smith v. Novato Unified Sch. Dist.*, 150 Cal. App. 4th 1439, 1457 (2007).

The statute makes students responsible for the content of their publications, with only limited oversight by faculty or staff. “Official school publications” means “material produced by pupils in the journalism, newspaper, *yearbook*, or writing classes and distributed to the student body either free or for a fee.” Educ. Code § 48907(e) (emphasis added). A “journalism adviser” may “supervise the production of the pupil staff, to maintain professional standards of English and journalism, and to maintain the provisions of this section,” and “[t]here shall be *no prior restraint* of material prepared for official school publications except insofar as it *violates this section*.” Educ. Code § 48907(c)–(d) (emphasis added).

By banning any senior quotes across the board in advance, you have imposed a prior restraint on speech. “A prior restraint is an administrative or judicial order that forbids certain speech in advance of the time the communication is to occur.” *San Jose Mercury News, Inc. v. Criminal Grand Jury*, 122 Cal. App. 4th 410, 416 (2004).

Your prior restraint on publishing any senior quotes violates the plain language of Education Code section 48907, which allows a prior restraint on student speech in official school publications only if the speech *actually violates* the statute. The statute says “violates this section.” Educ. Code § 48907(d). It does not say “might violate” or “potentially violate” or “hypothetically violates.” Therefore, it does not allow a prior restraint on an entire category of speech merely because of the alleged “difficulty of vetting modern slang.” Michael Chen, *Students petition to restore senior quotes tradition at El Capitan High in Lakeside*, <https://www.10news.com/news/local-news/students-petition-to-restore-senior-quotes-tradition-at-el-capitan-high-in-lakeside> (Feb. 12, 2026).

If you are unable to discern what senior quotes might be validly excluded from the yearbook under section 48907, you are free to draw on expert assistance, as the yearbook’s editor-in-chief suggested in the above article (“We are of the time. We know the slang. We would be able to vet them. We should be able to find a solution, to collaborate instead of canceling everything.”). But any alleged inability to determine if speech might be prohibited cannot justify censorship that violates the statute.

Thank you very much for your attention to this matter, and please let us know if you have any questions. We are available to talk at any mutually convenient time.

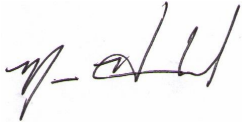
Sincerely,

FIRST AMENDMENT COALITION



David Loy
Legal Director

STUDENT PRESS LAW CENTER



Mike Hiestand
Senior Legal Counsel

cc: Dr. Kristen Vital Brulte, Superintendent (kvitalbrulte@guhsd.net)