

IN THE COURT OF APPEALS OF IOWA

No. 1-587 / 11-0191
Filed November 9, 2011

BEN LANGE,
Petitioner-Appellant,

vs.

**DAN DIERCKS and the ALLAMAKEE
COMMUNITY SCHOOL DISTRICT,**
Respondents-Appellees.

Appeal from the Iowa District Court for Allamakee County, David F. Staudt, Judge.

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A high school journalism advisor appeals the district court's decision granting summary judgment to the school district and principal. **REVERSED AND REMANDED.**

Gerald L. Hammond, Des Moines, for appellant.

Beth E. Hansen of Swisher & Cohrt, P.L.C., Waterloo, for appellees.

Sally Frank of Drake Legal Clinic, Des Moines, and Frank D. LoMonte, Adam Goldstein, and Laura Napoli, Arlington, Virginia, for amicus curiae The Student Press Law Center.

Heard by Sackett, C.J., and Vaitheswaran and Tabor, JJ.

TABOR, J.

More than two decades ago, the United States Supreme Court decided that school administrators did not violate the First Amendment by exercising editorial control over student newspapers as long as their limits on expression were reasonably related to educational concerns. *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 273, 108 S. Ct. 562, 571, 98 L. Ed. 2d 592 (1988). A handful of states, including Iowa, responded to *Hazelwood* by enacting statutes more protective of student journalists' free speech rights. This appeal marks our first opportunity to interpret Iowa's Student Free Expression Law, Iowa Code section 280.22 (2009).

This case started when a journalism teacher received reprimands from the principal for allowing students to publish what the administration viewed as inappropriate articles in two different issues of the high school newspaper. The teacher sought a declaratory judgment to establish that the publications did not violate proscriptions outlined in Iowa Code section 280.22 and, thus, were within the students' right of free expression under that statute. The district court granted summary judgment to the school district and principal, concluding that the articles encouraged students to "potentially commit unlawful acts, violate school regulations, or cause material and substantial disruption to the orderly operation of the school."

Because school administrators cannot point to any specific content in the publications that encouraged students to engage in activities barred by the statute, we reverse the grant of summary judgment for the district and principal.

We direct the district court to enter summary judgment for the teacher. Under any definition of the term “encourage,” the content at issue did not fit within the narrow categories of expression prohibited by section 280.22(2). We further conclude supplemental relief is appropriate; removing the reprimands from the teacher’s personnel file is necessary to protect students’ free speech as contemplated by section 280.22.

I. Background Facts and Proceedings

Ben Lange teaches journalism at Waukon High School in the Allamakee Community School District (the District) and serves as faculty advisor for the student newspaper, the Waukon Senior High School *Tribe-une*. This case arises from two written reprimands Lange received from the school’s principal, Dan Diercks, as the result of student articles published in two editions of the student newspaper: the April Fools Edition, published April 2, 2008, (Attachment A) and the September 30, 2009 edition (Attachment B). Lange served as the faculty advisor for both editions and both were distributed to the larger community as inserts in the *Waukon Standard*.

In their statement of material facts and memorandum supporting their motion for summary judgment, Diercks and the District stated that they “considered the following content of the April [Fools] edition . . . to be of concern”:

- Changing the title of the paper from *Tribe-Une* to *Bribe-Une*;
- Referring to “Keysux Senior High School” in the masthead;
- Designating the edition as “Issue 66 Volume 6 66 Sixth Avenue N.W.”;

- Articles headlined “Tierney to the Rescue”; “Sophomores Not Allowed to Grand March”; “Cheerleaders on ‘Roids’”; “New Jim Floor Settles”; and “Cell Phones Allowed”;
- An article headlined “Meth Lab Found in Biology Lab, Matt Breitbach Faces Criminal Charges” with an accompanying photo of biology teacher Breitbach;
- Photographs of a student wearing a headband; a student wearing a hooded sweatshirt and displaying “gang signs”; a student with a dead cat; and a student football player; and
- Quotes from one student who said he would “like to go to a Chippendale’s tryout” after graduation; one student who said she wanted to be “an all-American gangster, dog” after graduation; and one student who said he “totally, like, want[s] to be a super model for Victoria’s Secret!”^[1]

(These materials can be viewed in Attachment A to this opinion.)

Lange maintains that the April Fools’ edition was a parody. To that end, each page of the April 2, 2008, publication included the following disclaimer: “This issue is a parody created in celebration of All Fools’ Day. It contains no factual information.”

On August 28, 2008, Principal Diercks issued a formal, written reprimand to Lange. The reprimand letter stated “[n]umerous inappropriate text, comments, and articles were created, edited, and printed” in the April Fools’ edition of the student newspaper. It further stated that

[a] multitude of people from within our school district and a neighboring school district of Eastern Allamakee were offended by this edition. Administration and the school board felt that the issue was inappropriate and done with poor judgment casting a dark shadow on our school district.

¹ Although Diercks and the District expressed “concern” regarding the materials set out above, the district court did not mention the following content in its opinion: the designation “Issue 66 Volume 6 66 Sixth Avenue N.W.,” the article titled “Sophomores Not Allowed to Grand March,” the article titled “Cell Phones Allowed,” the article titled “New Jim Floor Settles,” the photograph of a student with a dead cat; the student’s remark about “Chippendale” tryouts; and the student’s remark about Victoria’s Secret.

Diercks and the District again expressed concern with materials in the September 30, 2009 edition. In their statement of material facts and memorandum supporting their motion for summary judgment, they stated that they “considered . . . the following content of the September 30, 2009 edition . . . to be of concern”:

- An article about smoking and tobacco use headlined “Students Chew, Use Tobacco” and an accompanying picture of a baby smoking a cigarette;
- An article headlined “Fashion Guidelines Shift the Focus”;
- A photograph of a student wearing clothing prohibited by the dress code; and
- A quote from a student that if he could be “any famous person,” he would choose to be “Jay Z because he is a gangster.”^[2]

(These materials can be viewed in Attachment B to this opinion.)

On October 1, 2009, Diercks issued a second formal, written reprimand to Lange. This reprimand again stated that “[n]umerous inappropriate and questionable text, comments, pictures, and articles were created, edited, and printed in [the September 30, 2009] edition.” The letter further stated that “[p]eople (both staff and non-staff) within our school district are offended by this edition. Administration feels that the issue was inappropriate and done with poor judgment once again having a negative effect and undermining our school district’s goals.” The reprimand indicated Lange was to be suspended for two days without pay.

² Although the District and Diercks identified the above content “to be of concern,” the district court did not mention the following content in its decision: the student’s quote stating, “Jay Z, because he is a gangster;” the article titled “Fashion Guidelines Shift the Focus;” and the photograph of a student wearing clothing prohibited by the dress code.

The District eventually withdrew the two-day suspension without pay, but substituted a new written reprimand, which was undated. The substituted reprimand stated that the September 30, 2009 edition “contain[ed] one article that tacitly encouraged the use of tobacco products by students within the school setting,” and that “[e]ncouraging a violation of law is an exception to Iowa law that grants broad liberties to student journalists.” The letter further stated that “this issue caused anger and embarrassment to students, parents and others, and the necessity of dealing with complaints [generated by the publication of September 30, 2009,] caused a significant and material disruption to the operation of the school district.” The letter used language from section 280.22(2) in asserting that

encouragement of illegal activity is outside the scope of permissible activity even for student journalists. . . . [and] publication of material that is offensive to the community and disrupts the operation of the school district in a material and substantial way is beyond the scope of permissible journalistic freedom allowed by statute.

On January 22, 2010, Lange filed a petition for declaratory judgment against Diercks and the District, asking the court to conclude the publications did not violate section 280.22 and to order the District to remove the reprimands from his personnel file and permanently expunge them. In October 2010 both sides moved for summary judgment. On January 13, 2011, the court granted summary judgment in favor of the District and Diercks.

Lange appeals, asking us to reverse the grant of summary judgment in favor of Diercks and the District and to remand for approval of his motion for

summary judgment. He also seeks an order that the District “remove the reprimands from his personnel file and destroy them.”

II. Scope and Standard of Review

We review summary judgment dispositions for the correction of errors at law. Iowa R. App. P. 6.907; *Eggiman v. Self-Insured Servs. Co.*, 718 N.W.2d 754, 758 (Iowa 2006). Summary judgment is appropriate when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. *Christy v. Miulli*, 692 N.W.2d 694, 699 (Iowa 2005). If reasonable minds could differ with respect to how the issue should be resolved, a genuine issue of material fact exists. *Id.* We view the record in the light most favorable to the non-moving party when determining whether the moving party has satisfied its burden. *Eggiman*, 718 N.W.2d at 758.

“We also review questions of statutory construction for correction of errors at law.” *Estate of Ryan v. Heritage Trails Ass’n, Inc.*, 745 N.W.2d 724, 728 (Iowa 2008). Issues of statutory construction “raise legal questions and are properly resolved by summary judgment.” *Kolbe v. State*, 625 N.W.2d 721, 725 (Iowa 2001) (citation omitted).

III. Analysis

A. District Court Decision

In its summary judgment ruling, the court reasoned that First Amendment jurisprudence “must . . . be factored into the interpretation of” Iowa Code section 280.22. The court explained that it proceeded from the assumption that

when the State Legislature wrote Section 280.22 it intended to incorporate in said section “the same standard for determining

infringement of the right to free speech (as) applicable under the United States Constitution. That is, a government response that would constitute a violation of a student's free speech right under the First Amendment would also constitute a violation of a student's right to exercise freedom of speech" under Iowa Code section 280.22.

The court identified *Hazelwood School District v. Kuhlmeier* as "[t]he pivotal case in the area of student's First Amendment rights." The court articulated the Hazelwood standard and stated that "[i]t is with the foregoing that the court must determine if the April 2 and/or the September 30 edition of the student newspaper is/are a violation of the student exercise of free expression as codified in Iowa Code section 280.22."

The court first addressed section 280.22(2)(b), which prevents students from publishing or distributing libelous materials. It concluded that "no libel occurred" in light of stipulated facts demonstrating that the students obtained each person's consent prior to the publication and an affidavit from Lange asserting that the class obtained consent from each person featured in the April Fools' edition, as well as written release forms.

The court next addressed the statute's limitation on publishing "materials which encourage students to . . . commit unlawful acts; . . . violate school regulations; . . . [or] cause the material and substantial disruption of the orderly operation of the school." Iowa Code § 280.22(2)(c). Without specifying what content violated section 280.22, the court concluded that, "in viewing the facts from the respondent's position, it is reasonable to believe that various articles contained in the April 2 issue encouraged the potential for unlawful activities,

violation of school regulations, and potential disruptions of regular school activities.” The court further concluded that

it is unreasonable to believe that Mr. Lange could believe that none of the articles in the April 2 parody issue would encourage students to potentially commit unlawful acts, violate school regulations, or cause material and substantial disruption of the orderly operation of the school.

The court next addressed the September 30 issue, concluding

[i]t is reasonable for the administration to believe that the publication of the tobacco article and accompanying picture of a very young child smoking a cigarette could encourage students to violate school regulations of use of tobacco It would also be a legitimate inference that the article and accompanying photo could encourage minors to commit unlawful acts.

The court further reasoned that

[i]n granting the petitioner every legitimate inference, it would be impossible to say that petitioner would have no idea that publishing the article and accompanying picture would not encourage students to potentially commit unlawful acts or violate school regulations. Thus, no genuine issue of material fact exists.

Lastly, the court concluded that “[t]he District acted within its authority in the actions it took against Mr. Lange.”

In his appeal, Lange argues the district court incorrectly interpreted Iowa Code section 280.22 when it “assum[ed]” the state legislature intended to codify the federal free-speech constitutional standard articulated in *Hazelwood* and stated that “the interpretation of the First Amendment must be factored into the interpretation of the Iowa statute.” Lange contends that our legislature rejected the federal approach articulated in *Hazelwood* and created broader free-speech rights for students when it enacted section 280.22. In applying the statute, Lange argues the materials were not libelous and did not encourage the

students “to commit any of the three acts prohibited by the statute.” Lange asserts, moreover, the court’s belief that section 280.22 incorporated the *Hazelwood* standard “led [the court] to its ultimate error,” which was fashioning and applying an incorrect measure—the “reasonableness of an administrator’s opinion test”—to determine whether the publications violated the statute.

The District and Diercks counter that the analysis in this case “is necessarily framed by United States Supreme Court precedent.” But they also assert the court should apply an abuse-of-discretion standard rather than “a constitutional standard.” They ultimately argue we should affirm the district court “regardless of the standard applied.” They contend, in addition, that the April Fools’ issue contained libelous materials, contrary to the district court’s conclusion, and that both editions of the student newspaper “failed to maintain professional standards of journalism” as required by Iowa Code section 280.22(5). They also argue that federal case law, “in conjunction with the applicable Iowa statute and the District’s broad management rights clause, [provide] clear support for the District’s rights to reprimand Lange under the circumstances of this case.”

B. Principles of Statutory Construction & Interpreting Iowa Code section 280.22

Because Lange challenges the District’s action in reprimanding him based on section 280.22, we look to the wording of that statute. “We approach issues of statutory interpretation with the avowed purpose of determining the true intention of the legislature.” *Bob Zimmerman Ford, Inc. v. Midwest Auto. I,*

L.L.C., 679 N.W.2d 606, 609 (Iowa 2004). “Our first step in ascertaining that intention is to closely examine the statute’s language.” *Id.* When the terms in a statute are ambiguous, we apply our rules of statutory construction to accord those terms meaning. *McGill v. Fish*, 790 N.W.2d 113, 118 (Iowa 2010). If reasonable minds could differ on the meaning, ambiguity exists. *Id.* When the legislature has left a term in a statute undefined, “[w]e may refer to prior decisions of this court and others, similar statutes, dictionary definitions, and common usage’ to determine its meaning.” *Cubit v. Mahaska Cnty.*, 677 N.W.2d 777, 783 (Iowa 2004) (citation omitted).

Iowa Code section 280.22 provides, in pertinent part:

1. Except as limited by this section, students of the public schools have the right to exercise freedom of speech, including the right of expression in official school publications.
2. Students shall not express, publish, or distribute any of the following:
 - a. Materials which are obscene.
 - b. Materials which are libelous or slanderous under chapter 659.
 - c. Materials which encourage students to do any of the following:
 - (1) Commit unlawful acts.
 - (2) Violate lawful school regulations.
 - (3) Cause the material and substantial disruption of the orderly operation of the school.
3. There shall be no prior restraint of material prepared for official school publications except when the material violates this section.
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5. Student editors of official school publications shall assign and edit the news, editorial, and feature content of their publications subject to the limitations of this section. Journalism advisors of students producing official school publications shall supervise the production of the student staff, to maintain professional standards of English and journalism, and to comply with this section.

As an initial matter, we believe that the district court mistakenly assumed that our legislature intended to codify *Hazelwood*. In 1989, the Iowa General Assembly enacted section 280.22 in reaction to the Supreme Court's decision one year earlier in *Hazelwood*. We are persuaded it did so for the purpose of giving students more robust free-expression rights than those articulated by the Supreme Court. Commentators uniformly agree that section 280.22 prohibits school officials from exercising prior restraint of student publications to the extent allowed under *Hazelwood*. See, e.g., Evan Mayor, *The "Bong Hits" Case and Viewpoint Discrimination: A State Law Answer to Protecting Unpopular Student Viewpoints*, 77 Geo. Wash. L. Rev. 779, 818 (2009) ("In the years after *Hazelwood*, numerous states passed legislation limiting the case's scope. Iowa's statute dealing with student exercise of free expression . . . is typical. . . . [S]tudents attempting to bring lawsuits in state[s] [with these statutes] do not have to worry about the *Hazelwood* standard."); Richard Bradley Ng, *A House Divided: How Judicial Inaction and a Circuit Split Forfeited the First Amendment Rights of Student Journalists at America's Universities*, 35 Hastings Const. L.Q. 345, 363 (2008) (citing Iowa as one of "an increasing number of states . . . enacting legislation to minimize the effects of *Hazelwood*" and referring to such statutes as "'anti-*Hazelwood* legislation"); Chris Sanders, *Censorship 101: Anti-*Hazelwood* Laws and the Preservation of Free Speech at Colleges and Universities*, 58 Ala. L. Rev. 159, 168 (2006) (referring to Iowa's statute as an "anti-*Hazelwood*" statute that "afford[s] students greater free speech protections under their state laws than they received under *Hazelwood*"); Student Press

Law Center, *Understanding Student Free-Expression Laws: Renewed Push to Pass State Laws as Courts Chip Away at First Amendment Rights in Schools* (2007), available at www.splc.org (stating that “[s]ince [the *Hazelwood*] decision, seven states—Arkansas, California, Colorado, Iowa, Kansas, Massachusetts and Oregon—have passed laws that limit the effects of the *Hazelwood* decision in their states and return a greater degree of press freedom to student editors”).

Accordingly, we conclude the district court erred in superimposing the *Hazelwood* standard onto the statutory scheme at issue. We turn next to interpreting and applying section 280.22.

1. The content in the publications did not encourage the conduct specified in section 280.22(2)(c).

Principal Diercks and the District maintain that the publications “encouraged” students to commit unlawful acts, violate lawful school regulations, or cause the material and substantial disruption of the orderly operation of school in contravention of section 280.22(2)(c). But they are imprecise regarding which materials they believe encouraged students to engage in undesirable conduct. At oral argument, counsel for Diercks and the District pointed only to the phrase “Keysux Senior High School”³ as affirmatively violating section 280.22(2). Their written arguments repeat that they found the noted materials “to be of concern” rather than in violation of the statute.

³ Eastern Allamakee High School in Lansing is known as Kee High School, home to the Kee Hawks.

Our review is also complicated by the district court's ruling which—with the exception of the smoking article and accompanying picture—neither identified the materials it believed fit the proscriptions of section 280.22(2), nor stated which activity the offending articles “encouraged.”

To resolve this issue, we must consider the meaning of “encourage.” A plain reading of the statute demonstrates that to be censorable, student publications must “encourage” other students to engage in specific conduct—to *commit* unlawful acts, *violate* lawful school regulations, or *cause* the material and substantial disruption of the orderly operation of the school. The statute does not bar materials that “encourage[] the *potential* for unlawful activities, violation of school regulations, and *potential* disruptions of regular activities” as the district court indicated. Rather, the statute disallows publication of materials that encourage the actual commission of the acts described above.

Because the legislature did not define the term “encourage” and reasonable minds could differ on the meaning of that word, we look to dictionary definitions. See *Lauridsen v. City of Okoboji Bd. of Adjustment*, 554 N.W.2d 541, 544 (Iowa 1996). Black's Law Dictionary provides the following definitions for “encourage”: “[t]o instigate”; “to incite to action”; “to embolden”; “to help.” Black's Law Dictionary 547 (7th ed. 1999); see also Webster's New Collegiate Dictionary 372 (1981) (defining “encourage” as follows: “to inspire with courage, spirit, or hope; to spur on; to give help or patronage”). The definition of the term “instigate”—which is the first definition Black's Law Dictionary provides for the

term “encourage”—is “to stimulate or goad to an action, especially a bad action.” Black’s Law Dictionary 527 (6th ed. 1990).

As these dictionaries demonstrate, the definitions for the term “encourage” include more active words like “instigate” and “incite to action” as well as more passive terms like “to embolden.” Because Iowa lawmakers passed section 280.22 to broaden students’ free speech rights, we believe that the legislative intent would be to read the exceptions narrowly. See *Klinge v. Bentien*, 725 N.W.2d 13, 17 (Iowa 2006) (“When interpreting a statute, we are obliged to examine both the language used and the purpose for which the legislation was enacted.”) Finding that the drafters contemplated a more active construction of the word “encourage” would be most consistent with that legislative aim. But under any definition of the term, the materials at issue here did not encourage the students at Waukon High School to commit unlawful acts, violate school regulations, or cause the material and substantial disruption of the orderly operation of the school.

Take, for example, the Waukon students’ derogatory twist of the name of their cross-county rival’s mascot Kee Hawks into “Keysux Senior High School.” While this word play may not have shown good sportsmanship, the attorney for Diercks and the District was unable to explain how it spurred the students to engage in unlawful acts, rule violations, or a material and substantial disruption of the orderly operation of the school. The principal testified that this single reference would promote “taunting,” “fights,” and other “repercussions.” His speculation that the epithet in the masthead could lead to ongoing animosity

between the rival schools is not the same as the students actually advocating their peers take some action. *Contrast Morse v. Frederick*, 551 U.S. 393, 402, 127 S. Ct. 2618, 2625, 168 L. Ed. 2d 290, 304 (2007) (reasoning that banner reading “BONG HiTS 4 JESUS” could be interpreted as a message equivalent “[Take] bong hits” which encouraged illegal drug use).

Similarly, our review of the articles of concern to Diercks and the District reveals no rallying cry for members of the student body to engage in misconduct. The articles offered information in a neutral tone—albeit some were fictional in the spirit of parody—rather than calling the students to action. We cannot even say that the articles implicitly encouraged the students to undertake activities like using steroids, methamphetamine, or tobacco. The articles did not glamorize the offending conduct. To the contrary, much of the content cast such behavior in a negative light. For example, the doctored photograph of the high school biology teacher showed the negative physical effects of using methamphetamine and the article points to the criminal consequences. The spoof on cheerleaders taking steroids described the girls “growing an abnormal amount of facial and leg hair” and discussed possible school-board sanctions.

Diercks and the District essentially argue the student publications encouraged misconduct by featuring articles on divisive topics and by expressing opinions contrary to those of the school administration. For example, the administration believed an article on the topic of tobacco use encouraged students to use tobacco in violation of school regulations. But

nearly two-thirds of that article discussed the school's own tobacco policy and detailed punishments imposed on students who violate the policy. The article did include the view of one student who questioned why students old enough to smoke by state law should be punished for tobacco use. But nothing in the article explicitly or implicitly encouraged other students to use tobacco.⁴

Publishing articles on controversial topics or expressing a viewpoint counter to that of the school administration are not prohibited by the Student Free Expression Law. The statute makes clear that “student expression in official school publications shall not be deemed to be an expression of school policy.” Iowa Code § 280.22(6). In its rebuff of *Hazelwood*, our legislature wanted to ensure student publications in Iowa were free to convey a position “at odds with the school’s official stance.” See generally *Hazelwood*, 484 U.S. at 280, 108 S. Ct. at 574, 98 L. Ed. 2d at 611 (Brennan, J., dissenting). Advisor Lange did not have a duty under the statute to sanitize student expression when it did nothing more than quote a classmate who questioned a school policy.

We likewise conclude the word play, photographs, and student quotes that concerned Diercks and the District did not encourage the student body to engage in misconduct—no matter how we define encourage. For instance, we decline to indulge the District’s argument that the parody edition’s change of the paper’s name from Tribe-une to “Bribe-une” encouraged students to bribe one another. If printing one word—in jest—is the standard for encouraging conduct

⁴ The photograph of the baby smoking a cigarette included the following caption: “While on school property, no one is allowed to use tobacco products, just as this little child should not be smoking (he really isn’t).”

under section 280.22, the statute's goal of promoting free expression for students will be stymied. With respect to the title and other aspects of the April Fools' publication, our conclusion that the content did not encourage students to engage in misconduct is bolstered by the disclaimer printed on each page of that publication.⁵ See *Kiesau v. Bantz*, 686 N.W.2d 164, 177 (Iowa 2004) (explaining that "[t]o be a parody, the jury must find the [material] could not reasonably be understood as describing actual facts . . . or actual events"). This disclaimer set the tone of the publication as one of frivolity rather than fact; the designation of the publication as "parody" undermines the district court's conclusion the content encouraged students to act in violation of section 280.22(2)(c).

Likewise, we find the publication of students' off-the-cuff quotes did not encourage misbehavior within the meaning of the statute. The newspaper staff asked students about their post-graduation plans and what famous person they would like to be. The answers were, for the most part, humorous rather than serious. In this context, a student's response that he wanted to be a model for Victoria's Secret or wanted to attend a Chippendales'⁶ tryout did nothing to encourage fellow students to violate rules by showing their underwear at school. Yet the principal testified as follows:

Q. . . . So my question to you is, does the publication of the word "Chippendales" in your opinion encourage students to come into school and take off their clothes? A. Yes.

⁵ The disclaimer stated: "This issue is a parody created in celebration of All Fools' Day. It contains no factual information."

⁶ The Chippendales are a "cast of exotic male dancers" who provide "Broadway-show-like performances across the United States and around the world." *In re Chippendales USA, Inc.*, 90 U.S.P.Q.2d 1535 (2009).

Diercks's overly broad reading of the term "encourage" is inconsistent with the legislative intent behind the statute. Because the various components of the publications were neither an explicit call to arms nor an implicit persuasion, we conclude they did not encourage the students to act under section 280.22(2)(c).

As the Supreme Court has famously reminded school administrators, students in our public schools do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506, 89 S. Ct. 733, 736, 21 L. Ed. 2d 731 (1969). When the United States Supreme Court identified a constitutional distinction between "educators' ability to silence a student's personal expression" (like that in *Tinker*) and "educators' authority over school-sponsored publications" (like that in *Hazelwood*, 484 U.S. at 271, 108 S. Ct. at 570, 98 L. Ed. 2d at 605)), our legislature stepped in to pass section 280.22, supplementing Iowa students' right to free expression within the schoolhouse gates.

The superintendent testified in this case that articles published in the student newspaper sparked "some discussions of students on both sides." Inviting student debate on controversial topics would seem to serve the school's pedagogical functions rather than causing a "material and substantial disruption of the orderly operation of the school." Considering the legislative intent behind section 280.22, we cannot agree with the district court that the content of the

student publications “encouraged” students to commit unlawful acts, violate school rules, or disrupt the orderly operation of their school.

2. The newspapers’ content was not libelous.

Iowa Code section 280.22(2)(b) provides that “[s]tudents shall not express, publish, or distribute . . . materials which are libelous or slanderous under chapter 659.” Diercks and the District argue that we can affirm on the grounds the April Fools’ edition contained libelous articles, contrary to the district court’s conclusion. They argue that parody and consent are affirmative defenses to libel and submit that “the defenses of parody and consent are irrelevant to determining whether published material is libelous.” They contend “these publications on their face would constitute libel either per se or per quod, which is all that is required by either §280.22(2)(b) or §659.1, even though they may ultimately be subject to an affirmative defense.” Although the District and Diercks argue that “a number of the articles in the April 2008 edition” would be sufficient to state a claim for libel, they specify only one article, “Meth Lab Found in Biology Lab, Matt Breitbach Faces Criminal Charges.”

Lange responds that because Diercks and the District did not appeal the district court’s conclusion no libel occurred, they are now precluded from arguing that the materials were libelous. Diercks and the District counter that “a successful party need not cross-appeal to preserve error on a ground urged but ignored or rejected in the trial court” because a party “cannot appeal from a

favorable ruling.” We agree with Diercks and the District that as successful parties, they did not need to cross-appeal the district court’s conclusion the materials were not libelous to preserve error on that ground. *Johnston Equip. Corp. v. Indus. Indem.*, 489 N.W.2d 13, 16 (Iowa 1992) (holding “a successful party need not cross-appeal to preserve error on a ground urged but ignored or rejected in the trial court.”).

Nevertheless, we believe the better interpretation incorporates the affirmative defenses to libel when determining whether publications fall within section 280.22(2)(b). Disregarding an affirmative defense like parody for purposes of determining acceptable expression under the statute would place an entire form of expression—which may provide valuable learning opportunities and which is often legitimately used in the mass media everyday—beyond students’ reach. Because the statute was intended to broaden students’ expressive rights, we believe the libel prohibition in section 280.22(2)(b) should be read to include affirmative defenses. See *Bantz*, 686 N.W.2d at 175, 177 (stating that a prima facie case of libel requires the plaintiff to show the defendant “(1) published a statement that (2) was defamatory (3) of and concerning the plaintiff, and (4) resulted in injury to the plaintiff,” and recognizing the affirmative defense of parody (citation omitted)).

We also note that the district court relied on the affirmative defense of consent in finding that the publication was not libelous. The court pointed to stipulated facts which revealed “each individual was aware of the potential article to be written about him or her and agreed to the same knowing the

potential content.” We agree that consent should be considered when deciding whether section 280.22(2)(b) is implicated.

Interpreting the statute as the District and Diercks suggest would provide an absurd result: we would be required to disregard the defense of truth. A publication that on its face met the elements constituting libel would be prohibited by section 280.22 even though the information it contained was true. *Cf. Delaney v. Int’l Union UAW Local No. 94 of John Deer Mfg. Co.*, 675 N.W.2d 832, 843, 839 (Iowa 2004) (finding truth is a complete defense to libel). Accordingly, we conclude the district court properly took into account affirmative defenses to libel.

3. The school administration claim the student publications did not maintain professional standards of journalism is not properly preserved for our review.

Diercks and the District also argue that although the district court “totally ignored” the provision, both editions of the student newspaper “failed to maintain professional standards of journalism” as required by Iowa Code section 280.22(5). They allege that (1) “anyone would be hard put to contend that the page one heading ‘Keysux Senior High School’ met any professional standard of either English or journalism,” and (2) “it is equally unclear how anyone could contend that professional standards of English and journalism are maintained by a prominently featured (an apparently photoshopped) picture of a baby smoking a cigarette.”

In his reply brief, Lange contends the District and Diercks object to the use of parody and that “[p]arody is a commonly used and accepted form of communication, and it cannot seriously be argued by the District that the utilization of parody violates standards of Journalism (or English).”

We decline to reach the merits of this argument because to do so “would require us to assume a partisan role and undertake the appellant’s research and advocacy. This role is one we refuse to assume.” See *Inghram v. Dairyland Mut. Ins. Co.*, 215 N.W.2d 239, 240 (Iowa 1974). The District and Diercks did not offer undisputed facts concerning the professional standards that should apply and have articulated only conclusory arguments, detailed above. Given the state of the record, we have no means to measure whether the content of the student publications complied with “professional standards of English and journalism.” Because the District and Diercks do not explain how the content contravenes the professional standards—or what those standards even are—we conclude the argument is too vague to address.

Although Diercks and the District mentioned section 280.22(5) in the district court, they did not explain how these publications failed to meet the standards of journalism and English. On appeal, they cite *Smith v. Novato Unified School District*, 59 Cal. Rptr 3d 508, 517 (2007), for the proposition that a similar statutory provision in the California code “may well enable educators to exercise some of the control over school speech in student newspapers under *Kuhlmeier*.” But the California court did not decide the “professional standards”

issue because the parties did not raise it. We similarly conclude this record does not properly present the issue for our review.

C. Rescinding the Reprimands Issued by the Administration

Because the publications did not violate section 280.22(2), Lange asks us to grant supplemental relief pursuant to Iowa Rule of Civil Procedure 1.1106 in the form of removing the reprimands from his personnel file. He argues that declining to expunge the reprimands places him “in a completely untenable position.” He reasons that

[h]e must allow the publication of the material if the materials do not violate . . . section 280.22, but, if he does, he is placed in professional peril when he is reprimanded by an administration that applies stricter standards than those provided by the statute. He must either comply with the whims of the administration and deny statutory rights to his students, or allow the students to exercise their statutory rights and suffer discipline from his administration.

Iowa Rule of Civil Procedure 1.1106 provides that a court may grant “[s]upplemental relief based on a declaratory judgment . . . wherever necessary or proper.” And our supreme court has stated that “[t]he declaratory judgment rules . . . are to be construed liberally to carry out their purpose[s],” which include “afford[ing] relief from uncertainty and insecurity with respect to rights, status and other legal relations.” *Lewis Consol. Sch. Dist. v. Johnston*, 127 N.W.2d 118, 122 (Iowa 1964) (citation omitted); see, e.g., *Myers v. Lovetinsky*, 189 N.W.2d 571, 577 (Iowa 1971) (requiring tenants to pay purchasers of land “the reasonable rental value of the . . . premises . . . until the premises are vacated” as a form of supplemental relief).

Granting a school has authority to reprimand a teacher for certain conduct, we conclude the reprimands should not have been issued in this case because the publications did not violate section 280.22(2). The district court should grant supplemental relief in the form of directing the District to remove the reprimands from Lange's personnel file. The purpose of section 280.22 is to allow students broader free expression. If a school district is entitled to sanction a journalism advisor for student publications that comply with section 280.22, the statutory protections will be eroded and student speech will be chilled. Removing the reprimands from Lange's personnel file is necessary to protect the free speech rights of Iowa students as contemplated by Iowa Code section 280.22.

REVERSED AND REMANDED.

Keysux Senior High School

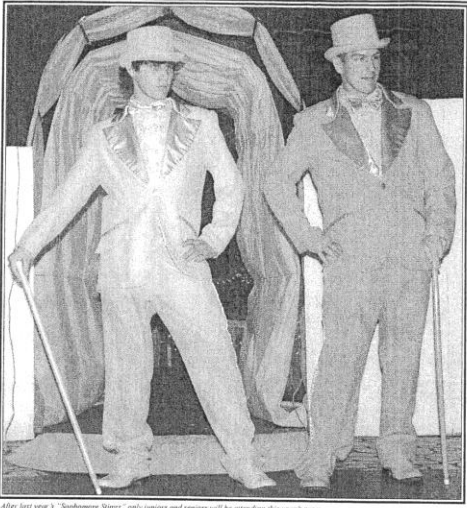
B R I B E - U N E

Issue 66 Volume 6 66 Sixth Avenue N.W. Waukon, IA 52172 April 2, 2008

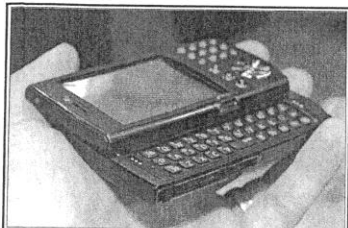
Sophomores Not Allowed to Grand March

about thirty sophomore students participated in writing graffiti on the hallway walls and on the gym walls along with destroying the whole prom set up. The thirty-some students all received three hundred hours community service which was consumed by cleaning their dorms. It also has been stated that sophomores are not even allowed to attend after prom. If any are spotted near the old junior high gym they will be picked up by the cops and taken to jail for the night.

For the school's safety, any protest against this decision will lead to suspension from school and one hundred hours community service. The student council is sorry for the short notice, but if sophomores are willing to help with set up and clean up they are more than welcome to. This decision is just for this year. However, it may continue next year and the following years.



After last year's "Sophomore Struggles" only juniors and seniors will be attending this year's prom



Due to the incredible convenience and joy cell phones bring to everyday life, they are now being allowed

New School Equals New Changes

The almighty Orange and Black Indians will be transformed to a new blue and white Thunderbirds. At the last school board meeting, the issue of school colors and name came up, and the issue came to high but had agreement. The school board voted they needed change along with the new school. Instead of the same of colors of orange and black, the mascot will be changed.

"We are looking for a change," principal Dan Diercks stated, "and the change had to be done." The reasons of the change of color is very simple. They didn't have to change the colors as much as the name, but they thought with the memory of orange and black it would be harder for people to change over. They mainly had to change the name because of it, the Indians. Many set-

Cell Phones Allowed: Helping Build Stronger Student to Teacher Bonds

Most will agree that using cell phones in school is much more popular than it's supposed to be, considering it had been against the rules. Not any more, school board members gathered last Tuesday to discuss the controversial topic. They came to a conclusion if they can't beat it allow it. That is just what they

are doing, starting April 3, they are allowing cell phones in school. Even with the rumor of a rigged contract with Alltel, board members aren't backing down. They believe that the good it will do is going to out do the harm the conspiracy will cause. Of course there will be some restrictions on the use such as no calls unless in

study hall and during class the phone must stay on the student's desk so that a teacher may check it for any inappropriate material. Also they will be collected before testing so they are not used for cheating. Surprisingly even a majority of the teachers are backing the decision. "Some of the games they have on their phones are quite fun."



Tierney to the Rescue

Back by popular demand, Tim Tierney is returning to the Waukon Senior High, as part of the staff. After a 32% dropout rate of the high school students after Tierney left, the school administration decided it would probably be a good idea to re-hire him. After a few days of consideration, Tierney announced that he would be happy to return.

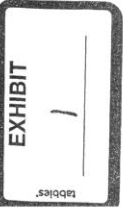
"At first I was skeptical about returning," Tierney explained. "Then I realized that the kids are extremely important to me and they need me to be there for them." Most staff members are thrilled about his return and students throughout the district are ecstatic. In fact, students burst into a parade last Saturday. "I am really excited to have him back at the high school!" senior Angela Aldrich commented. "He was always there for us when we needed help and I couldn't be happier to see him back doing what he loves."

Tierney should be back in school and hard at work by April 10. His return couldn't have come at a better time. Since he was asked to leave, drug usage, alcohol abuse, and gang related incidents have drastically increased by 70% throughout Allamakee County. Drug usage has seen the highest increase at nearly 86%. Marijuana and Cocaine usage has become a part of daily life both inside and outside of the school. Students explained that Tierney was the one person they could talk to and with nobody there now, the results explain themselves. Tierney's goal is to get everything back to normal as much as possible by the end of the semester.

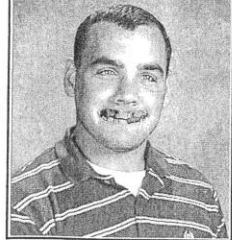
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A glimpse at the rest of issue 9...

- Page 2 - Former Jr. High Re-opens
- Three Legged cat survives car accident
- The human torch was denied a bank loan
- Page 3 - Zack Woodbeck set to enter the presidential race
- Weymiller metal rod in leg
- Indian cheerleaders get caught with anabolic steroids
- Girls track team runs into trouble
- Page 4 - Year round school set for 08-09
- Pirates and ninjas throwdown
- New school uniforms in place
- School to give every student a high-powered lap-top



Meth Lab Found in Biology Lab Matt Breibach faces criminal charges



Breibach, currently incarcerated for dealing with his students, shows visible signs of his meth use.

Former biology teacher Matt Breibach was recently busted for manufacturing and distributing methamphetamine. In order to

the impression that they were guaranteed to pass the class and were also being paid five thousand dollars from Breibach.

Police found over 50 kilograms of meth packaged and ready for distribution hidden inside Breibach's desk. Breibach also had a notebook with the names of the students he had been dealing methamphetamine to.

Kruger Claims He Speaks to Cats

As anatomy class began dissecting their desecrated dead cats, senior Nick Kruger discovered that he had a gift no one in this world has obtained. Kruger claims that he can talk to these DEAD cats. Kruger saved the day when he saved the infested cat from a gruesome doom.

Faculty began to notice Breibach's odd behavior and uncontrolled scratching. He scratched away the skin on his arms as a result of paranoia.



Nick Kruger, left, points toward cat infestation to show where he likes to do his anatomy class work in detail.

While dissecting his infested cat, he stated that he began hearing a small voice talking to him. The voice told him he did not want to be sliced and diced. Kruger was amazed, the



Pictured above, Cody Moody sits upon his Toyota truck that he will race 1012 miles across California's Baja Desert.

Moody to Race in Baja 1000

Current Bucks N' Bulls driver, Cody Moody, plans to hit the track in the #545 Monster Energy Toyota Truck for the upcoming Tejas SCORE Baja 1000. The race takes place July 15-18 in California's Baja desert. The race will cover approximately 1012 miles across rugged, desert terrain. It is set to begin in Ensenada, California and will conclude in Loreto, California. There are nearly 400 entries in the competition with four racing classes: trucks, cars, motorcycles, and ATVs.

up at Bucks N' Bulls in Harpers Ferry, IA. He told a man sitting at the bar that it was closing time. The man sitting acknowledged and left.

Humor Proposed as School Solution Adverse emotions eliminated from high school climate

"Before the School Spirit" policy, this building was a horrible place to be," Umpty continued. "Kids could be found who were crying, upset, complaining, or even questioning teachers."

circumstances - crying or frowning - raising his/her voice - not smiling for more than 15 minutes - sleeping - not laughing at a staff member's joke - pointing out a concern - asking stimulating questions - supporting the Minnesota Vikings or Chicago White Sox - any other expression deemed contradictory to the positive mission of the school.

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Senior Peyton Wacker was one of the first cheerleaders to notice side effects of steroid use.

Cheerleaders On "Roids"

Indian fans watched the Waukon boys' basketball cheerleaders cheer, dance, and throw up stunts this year like there was nothing to it. There may be a logical reason for this. Seniors Peyton Wacker and Levi Newton along with junior Amber Blake and sophomore Katie Kleenow all tested positive for steroids last Monday. Waukon's athletic director Bob Wasson noticed something was wrong when the girls started growing an

abnormal amount of facial and leg hair and the cheers started sounding like they were being shouted by more boys than girls. "I never dreamed that using steroids would cause my leg hair to grow so fast. I have to shave twice every day!" Blake bellowed. Cheerleading coach, Terry Kleenow claims that she had not known about the cheerleaders use of the drug nor does she approve of it. It just so happens that one of the cheerleaders convicted of using steroids is her daughter. "I never knew that I could be bigger and better than I was before until I started using steroids," 6 foot 4, 254 pound Newton stated. Although the cheerleaders have been amazed by the results, the fact does not change that the use of steroids to gain athletic excellence is illegal. The school board is meeting next Thursday to discuss possible consequences for the Indian cheerleaders. Law enforcement has not yet become involved in the case.

New Jim Floor Settles

With the new school open and the Jr. High and high school mixed together in the hallways, everything has been going relatively smooth. The transition went, for the most part very smooth and the teachers and students have settled in. But that isn't the only thing that has settled. The new gym floor is also settling. It has some serious flaws in it and is starting to crack. There are a series of faults under the court and where the bleachers come out of. For the time being the physical education class is making due with the cracks in the floor. "It can be a bit of a

haste," senior Derek Drew stated. "When we are playing badminton you will occasionally trip over the cracks or even lose the shuttlecock." "It makes for a lot of work for Mr. Erion [P.E. Teacher]," junior Jared Laurs added. "He is constantly having to use a tube of caulk to close up any developing cracks." "I don't think it is really that bad," senior Nathan Meyer said. "I think it adds character to the overall appearance of our school. Also I feel like I get a better workout while I'm competing because you have to be more aware of your surroundings. At any moment

This issue is a parody created in celebration of All Floors Day. It contains no factual information.

Girls Track Runs Into Trouble

The WSH girls track team has just started practices a little over two months ago. With only three meets completed, the rest of the season may be put on hold or even cancelled with tragedies put upon all of the senior leaders and an athlete's foot epidemic spread throughout the freshman, sophomore, and junior runners. The Varsity team has done outstanding at their previous meets. The senior leaders aren't settling for anything but a gold medal. The underclassman runners times were just a few seconds shy of being equal with the seniors' times. The season coming to an end so suddenly is a tragedy for the runners as well as the fans.

The five senior runners that are finished with their running careers for good are Brittany Diercks, Peyton Wacker, Mara Mathis, Katie Promnitz, and one who wishes to remain anonymous. Diercks, who contracted gangue green from a bacterial infection, is currently hospitalized and recovering from the amputation of her left leg because of the infection. Wacker, a much needed asset to the team because of their shortage of hurdlers, is now on crutches from a long fall from a cheerleading stunt that occurred during the cheerleaders' last day of practice. Mathis, who was missing for four days during last week's blizzard, was found a mere two miles

from her home. She suffered from severe frost bite, which tragically took most of her toes. Promnitz, a new but outstanding runner, is known for her grace. She mysteriously fell down two flights of stairs. Police are still investigating this case to find out if it was a jealous rival from the Decorah track team who pushed her. Promnitz suffers from a shattered pelvis. The final senior, who is too ashamed of her injuries, wishes to remain anonymous. So the question remains, who will take over the Varsity track team. The freshman, sophomore, and juniors all contracted a case of severe athlete's foot from the unsanitary locker rooms and are too itchy to run a single step. It is up to

Longsnapper Zack Woodbeck's Draft Stock Continues to Rise

Woodbeck is the player to watch. Woodbeck has tremendous strength on his snaps and has been clocked at over 32 miles per hour. Not only does Woodbeck possess power but also has great finesse. His snaps successfully made it to the punter 98.2% of the time during his high school career. However, while at the NFL combine in Indianapolis, Woodbeck weighed in at a meager 160

lbs. This has some scouts concerned about how well he can cover punts after the snap. "What he lacks in physical stature he makes up for it with unbelievable tenacity and intestinal fortitude," ESPN's Mel Kiper Jr. stated. The resilient Woodbeck responded with a score of 97 in the Charlie Rich drill the next day. The 97 means that he successfully hit 97 of 100 targets; shattering the previous record of 82 held by Shippensburg alumnus Rob Davis.

"Maybe if the course was regulation I would have hit 100, or maybe I was just off today," Woodbeck modestly stated. Another concern for the NFL scouts is the level of competition he faced. Woodbeck has not played a down of college ball but is eligible for the draft since he is over the age of 20. "My work in high school speaks for itself, I would have torn it up in college too but I heard that is for rich people," Woodbeck commented. "I've never seen Zack play in person, but his performance in the Charlie Rich drill was so outstanding that I can't see him slipping too far just because he hasn't played college ball," Dallas Cowboys owner Jerry Jones explained.



Woodbeck shows off his trademark smile in his longsnapping drill.

Woodbeck's Journey to the pros starts on April 27 at noon with the 2008 NFL Draft on ESPN and the NFL Network.

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Pirates vs Ninjas: The Final Battle

As the competition for the title of *Kings of Mystical or Surreal Figures* winds down to the final match, it looks as though the stout-hearted pirates have burned up the competition and have taken the lead in the standings.

Right behind them in second (and last) are the sly, crafty and evil ninjas who are looking to kick the pirates out of the top spot and take home their first trophy in nearly 30 years. These two teams will have the honor of competing in the final competition.

The whole competition is judged around 3 components: skill, style, and wealth and there will be three events to determine who truly are the Kings of Mystical or Surreal Figures.

In the first event com-

petitors will go to a highly sacred ground known as "The Bar" and proceed to drink as much lemonade as possible.

The second challenge will be a bit more civil. Competitors will have to break into the highly guarded Room of Lasers and steal the priceless Laser Pointer of Golden Sunlight.

However, the third event has attracted attention on every level. The Race. The teams will be able to use whatever measures they deem necessary to travel across 300 miles of every terrain imaginable, from the desert to the ocean to the heart of a metropolis city. Only one thing could drive these teams to dare that race, and that is the ultimate reward of unsurpassed amount of jewels.

and the random honor of beheading a golden chicken.

One member from Team Ninja shared his thoughts. "These competition events are completely ridiculous, and entirely pointless. We all know who the true masters of everything are. Those pirates just need to go back to doing whatever they do, chasing wenches, drinking themselves into dum stupors or whatever."

One member from Team Pirate responded, "Those ninjas should take their thrown stars and gouge out their eyes. They be complete scary-ridden, dog-faced bags of barnacles."

The locations for the events have been decided upon by the Grand Council of Deciding Important things. However, these details along with the details of spectator and press participation will not be released until a future date.

For updated information log onto the competition site: www.goldenchicken.com



The winner of the Pirate, Ninja Competition will have the honor of retrieving the Golden Chicken.

School Operates Throughout Year

Air conditioning will be installed

By Brent Smith

According to recent education test results the government has come out in a formal press conference and declared that school will be all year.

Students in twelfth grade will now be done with school on Thursday, August 7 and graduation will be on Sunday, August 10. Students in kindergarten through eleventh grade will be done with school on August 14.

If the weather gets too hot, students will get out in the afternoon or the new air conditioning will be utilized, even though electricity rates are soaring. There will be three days in June and three days in July for three hour early outs. Those days are June 11, June 24, and June 26. The days in July are July 2, July 16, and July 30.

There will be only one day in June and two days in July that there will be no school. Those days are June 27, July 3, and July 4.

The board of education said all students have to be in school, unless the students have a doctor or dentist appointment, family emergency, serious illness, religious holiday, court date, first date, or need a haircut. After the government saw the test results, they knew students should stay in school.

Why do students need their summer vacation? Junior high, and elementary students as well as staff members are stated, their summer vacation is a time to be free from school. The first day back to school is Monday, August 25.

School Uniforms are In: Choices Out

By Brandy Skape

Waukon schools are going to start wearing uniforms during the 98-99 school year. Girls will be required to wear a plaid or khaki knee high skirt and a white blouse. Boys will be required to wear khaki knee high shorts or pants with a dress shirt with and tie.

For physical education all students will have to wear matching black and orange shorts and t-shirts, as well as white tennis shoes. Remember this will be enforced next school year.

There will be no exceptions! Everyone will be required to wear their uniforms to school every day. Vocal music director and

basketball phenom Adrienne Gerst stated, "I am all for the school getting uniforms. Getting uniforms will help the student body not worry about who has the most expensive clothes or who wore this or that, because everyone would be wearing the same thing!"

Teachers will be required to wear black slacks and a white dress shirt. All female teachers will have to wear a blazer over their dress shirt, and all male teachers will have to wear a dress coat and tie every day. The principals will have to wear a tax and tie every day.

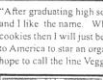
More information will be given out towards the end of the school year during homeroom.



Speaking Our Minds! Where do you see yourself after high school?



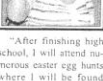
"After high school I plan to attend a modeling college. There I will be able to strut my stuff and show off fancy clothing. I would audition for America's next top model, and I'd win easily. If I change my mind I would pursue a career in Pokemon Training. I would pour my heart and soul into the loveable creatures. For my Pokemon I would choose Snorlax and he would be at the top of the chain. I would attend Harvard to learn how to train Snorlax to the best of my abilities. After I retire I would live in a big brown van, and I would not have to pay property tax for any land. I would love that van!" **Keith Brink**



"After graduating high school, I plan on attending college, I would like to go to USM. After graduating from USM, I plan on moving to Fiji simply because the water is great and I like the name. While in Fiji, I will pursue a career writing fortune cookies for the nearest Japanese restaurant. If no Japanese restaurants are willing to accept my fortune cookies then I will just become a dog food furniture tester and continue my search on locating Mr. Willy Wonka. When I'm sick of that job I plan on going green and moving back to America to star in an organization called ARO (anti-raccoon organization) that helps to ban raccoons across America. I would also like to create a line of vegetarian restaurants and hope to call the line Veggie Queen. If all of the above fails, I will just become a teacher." **Jade Timmerman**



"After high school, I plan on becoming an astronaut and traveling to the moon. I will hopefully become the first person to make blueberry and chocolate chip pancakes on the moon, because that's just how crazy I am. After I get back to earth, I hope to get married to Alex Trebek of the game show Jeopardy. Together we will run a hot air balloon business and an avocado farm in Idaho." **Rachel Berns**



"After finishing high school, I will attend numerous easter egg hunts where I will be found passing out candy to little kids. On Easter morning I deliver candy and hide easter eggs for kids to find. After five stressful years on the job I will retire. Then I will follow the tooth fairy on her nightly visits. She will then fall madly in love with me. We will get married and live happily." **Levi Tinderholt**



Easter Bunny



Logan Berns

"After high school, I plan on changing my name to Olin Trainholff. I aspire to become the second coming of the Techno Viking. all hail Greer. I would also like to go to Chippendale's tryout. With all my moves, I just know they couldn't say no. If all goes well, and I accomplish these goals, one day I just may achieve my dream of becoming a fire hydrant." **Levi Tinderholt**

"When I get out of High school I really, like, want to be a super model for Victoria's Secret!"

"Yo! When I get out of high school I want to be an all-American gangster, dog!"



Nichole Schulte



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Students Chew, Use Tobacco

by Reggie Fine

The big deal about tobacco in high schools is a question many students who are 18 school ask.

John Laceywell, Wazkoni's dean of students, stated athletes and other competitors are obligated to sign a good conduct policy that states when a student is in high school, there are certain rules and regulations that they have to follow. Along with that, if they get caught in school with tobacco the police are immediately contacted, as well as the parents of the students if the student is under 18 years of age.

Students will also receive

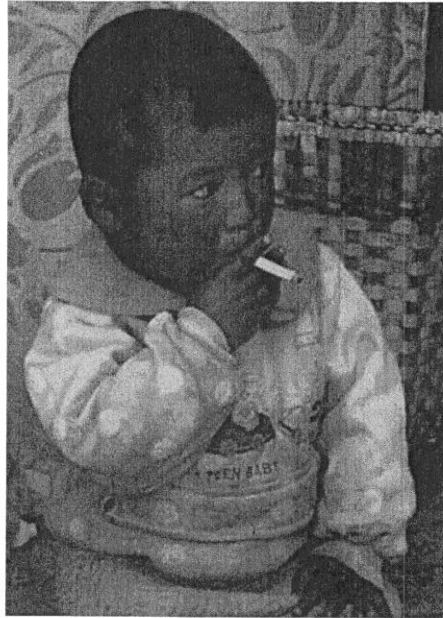
a tobacco ticket. Students who have received a ticket more than once may have to go to a substance abuse prevention clinic. Laceywell gave a long list of punishments that happen when someone is caught in high schools. Some of them include having to write a paper to the principal or community service.

He also stated that five to ten percent are doing or have done tobacco throughout their high school career and that percentage is increasing by the day. The most commonly used tobacco in schools is chewing tobacco.

The reason for that is it

is smokeless and it is easier to hide from the staff. It also has virtually no odor unlike cigarettes.

Senior Aaron Jones commented about tobacco in schools. He stated, if students are eighteen get caught with smokeless tobacco, it should not cause a problem because who is it hurting? It does no harm to teachers or other students. Jones continued "It also shouldn't make them ineligible for sports." By law, students who are old enough to do it should not get punished by the School. Jones thought



While on school property, no one is allowed to use tobacco products, just as this little child should not be smoking (he really isn't)

Speaking Our Minds

If you could meet any famous person who would it be and why?



Kenny Chesney because he is a really good singer. -freshman Ben Kerritt



Elvis I want to know how he died. -senior Jessica Winters



Angelina Jolie because she does humanitarian work. -teacher Theresa Jacobs



Nick Jonas because he is cute and a really good singer. -sophomore Myranda Mullikan



Ryan Sherkley because he has really sweet skateboarding skills. -freshman Karli Fahey



Jay Z because he is a gangster. -junior Mitch Berns



Chad Michael Murray because I love One Tree Hill. -junior Kiann Kruger



Lil Wayne he is the best rapper alive. -sophomore Blake Dixon



President Jimmy Carter because it would be neat to hear about all the humanitarian work he has done. -teacher Michael Shupe

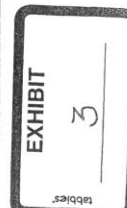


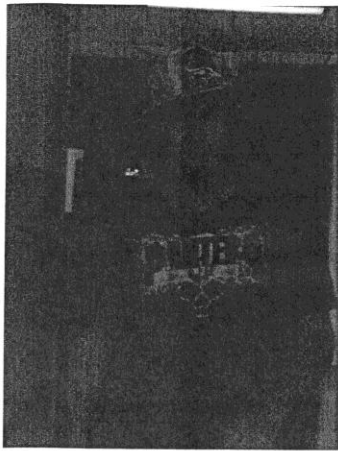
Mark Sanchez he is going to be rookie of the year. -senior Oliver Vera

Policy Statement

The Wazkoni High School administration has developed and implemented a policy regarding the use of tobacco products on school property. This policy is designed to protect the health and safety of all students and staff members. The policy states that no student or staff member is allowed to use tobacco products on school property. This includes smoking, chewing tobacco, or using any other tobacco product. The policy also states that any student or staff member who is caught using tobacco products on school property will be subject to disciplinary action. This includes suspension from school and reporting to the appropriate authorities. All students and staff members are expected to read and understand this policy. If you have any questions regarding this policy, please contact the school administration.

Check us out on the web:
<http://www.afmakee.k12.ia.us/>
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Dylan Bork showed his fashion statement in the hall way.

Fashion Guidelines Shift the Focus

by Lanieta Dahlstrom

Kicking off the school year, fashion seemed to cause an uproar.

What used to be warm weather attire: spaghetti straps, tube tops, soccer shorts, hats, unnecessary holes in pants, and mini skirts (to name a few) have been banned from school.

According to the student handbook, students wearing clothing that negatively dis-

rupts the educational process will be asked to change. Typical violations result from clothing items that are too revealing and/or have inappropriate slogans on them.

According to principal Dan Diercks, the dress code really isn't a problem. "Every person needs to know the appropriate attire for where they are at. I am proud of this school for tak-

ing on the responsibility and respecting the boundaries of others." Diercks also commented on his staff. "They are expected to have a dress code just as the students, but more professional. They should be recognized as authority in the school, not blend in." Students are expressing their thoughts and feelings on the dress code. A freshman, Chyan

Johanningmeier commented, "If your parents let you out of the house as you are dressed, it should be perfectly okay." Wanting more opinions, Senior Dylan Bork stated "I don't see what the big deal is about the clothing issue but I feel I should be able to wear my hat because it's an everyday clothing item."

Among the Options: Students Served by In-School Suspension

by Allison Brink

Students wonder why they are put into in-school suspension (ISS). Most know that it is because a student did not serve a detention. The school wants students to be in class but if one cannot serve a detention on his/her own time, then that student will serve it during the school day.

Principal Dan Diercks said, "Even though students don't mind missing class to be in ISS, they are at least in school."

Students get five days to serve their detentions before they go to ISS. If students do not serve an ISS, then parents will be notified. If a student has fourteen ISS sessions during

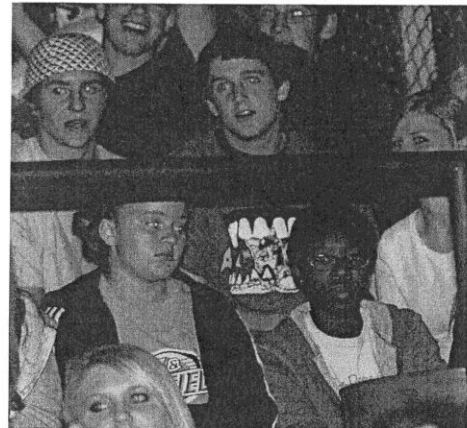
the school year, he or she will receive out of school suspension (OSS). Getting parents involved seems to help the matter. ISS students can actually do homework. Teachers

will gather the assignments that students will miss during class. Pat Klinge is the supervisor of ISS. She keeps students on top of their homework.



Students take advantage ISS on catch up on homework.

MimiShie Leaves Nigeria to Visit Waukon



Mimi enjoyed a Waukon football game with new friends.

by Teri Munn

Many students have seen her in the halls, and some even have classes with her. Her name is Mimi Shie.

Coming from Nigeria as a foreign exchange student, Mimi is staying with Katley Herfern and will be staying in America for her junior year. "My favorite subject in school [in Nigeria] was chemistry, and still is chemistry." Mimi reflected, "It's just that in America, it is a little different."

Mimi's favorite activities in Nigeria included going to parks and sightseeing with her family, or even going to restaurants just to dine. When asked, "What is a common dish in Nigeria?" Mimi replied, "Nigeria has many different tribes and cultures, so there really is no common dish, but we do eat a lot of rice."

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School Tips, for the Entire Year

Here are some more things that can help you ahead in school:

Sleep Studies show that teens need at least 8 1/2 hours of sleep each night to feel rested. Sleep deprivation can lead students to fall asleep in class and can also make it hard to concentrate. It can be more productive to get the sleep you need than it is to stay up late cramming. A recent study found that students who got adequate sleep before a math test were nearly three times more likely to figure out the problem than those who stayed up all night.

Do more at school and you'll have less to do at home. Take advantage of those times during the

school day when you're not in class. Review notes, go to the library or computer lab, get a head-start on your homework, or research that big term paper.

One of the best ways to make friends and learn your way around is by joining school clubs, sports teams, and activities. Even if you can't kick a 30-yard field goal or sing a solo, getting involved in other ways — going to a school play, helping with a bake sale, or cheering on friends at a cross country meet — can help you feel like a part of things.

School is a time to make friends and try new things, but it's also a place to learn skills like organization and decision making.

Reprinted courtesy of Teens Health

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