



# New Voices of Vermont

A student-powered, grassroots movement to give young people the legally protected right to share ideas about issues of public concern.

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## TESTIMONY BEFORE VERMONT HOUSE EDUCATION COMMITTEE

For the record, my name is Chris Evans. I advise student media at the University of Vermont and have been serving as one of the lead advocates for Senate bill 18.

This bill is modeled on similar laws around the country intended to protect students' First Amendment rights. To date, 10 states have passed such laws, and nearly 20 states, including Vermont, have active campaigns to pass the legislation. We call these bills "New Voices" legislation because we hope to empower the next generation of critical thinkers and civically engaged students with the ability to gather information and share ideas about issues of public concern. We work closely with the Student Press Law Center, a nonprofit that advocates for student journalists, as well as other advocates in law, education, journalism and civics to make schools and colleges more welcoming places for student voices.

The law is needed because a succession of Supreme Court cases has left students and educators with no clear, legal guidance about how to handle potentially concerning issues in student journalism, and student articles often have less protection than the writing on a student's t-shirt. The New Voices law would give a student's news article exactly the same protection as that t-shirt, but no more.

This bill would not allow students to commit libel, invade another person's privacy, publish obscenity or profanity, or bully others. In fact, each of these offenses is explicitly prohibited in S.18. High school officials could stop all of these and anything else that creates what the landmark Supreme Court decision of *Tinker vs. Des Moines* identified as a "clear and present danger" of a "material and substantial disruption" to the school.

S.18 was examined and vetted by a succession of experts and wide range of stakeholders as it passed through the Senate Education Committee, where language was refined and protections honed. As Sen. Joe Benning noted before a vote of the full Senate, every one of these witnesses expressed support for the bill in the form that it emerged from the Senate committee. In the end, every member of the committee supported the bill, and it passed unanimously in the Senate.

Vermont students have shared their experiences of censorship at the high-school level. They can also explain how a culture has developed in which students simply don't know what their rights are and therefore shy away from addressing issues that they fear an authority figure might disagree with: not even disapprove of, but disagree with. We believe that any kind of censorship, which includes self-censorship, hurts students and society. It teaches our young people that censorship is acceptable.

We cannot afford to have curiosity and confidence bred out of our students. We cannot afford to stifle today's new voices because they are tomorrow's leaders and citizens.

I appreciate the opportunity to address the committee, and I am always available to answer your questions.

Thank you.

# NEW VOICES usa

## What's the problem?

Education research demonstrates that students learn better in schools where their voices are valued and respected. But the single most effective vehicle for students to use their voices to advocate for change in school policies — student media — is shackled by antiquated legal rules that deprive students of meaningful input on issues of public concern.

Public schools (and many colleges as well) are still mired in the 1980s thanks to a shortsighted U.S. Supreme Court decision, *Hazelwood School District v. Kuhlmeier*, that has emboldened government officials to confiscate newspapers, rewrite articles and retaliate against some of the nation's most effective journalism educators, all in the name of P.R. image control.

*Hazelwood* has proven to be a failed experiment, denounced by every leading group involved in journalism education as an ineffective way to teach the skills, values and ethics of informed citizenship. It's time to finally bring student media into the digital era with realistic, digital-age legal standards.

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**Censoring student journalists  
stops inquisitive young people  
from *realizing their potential*.**

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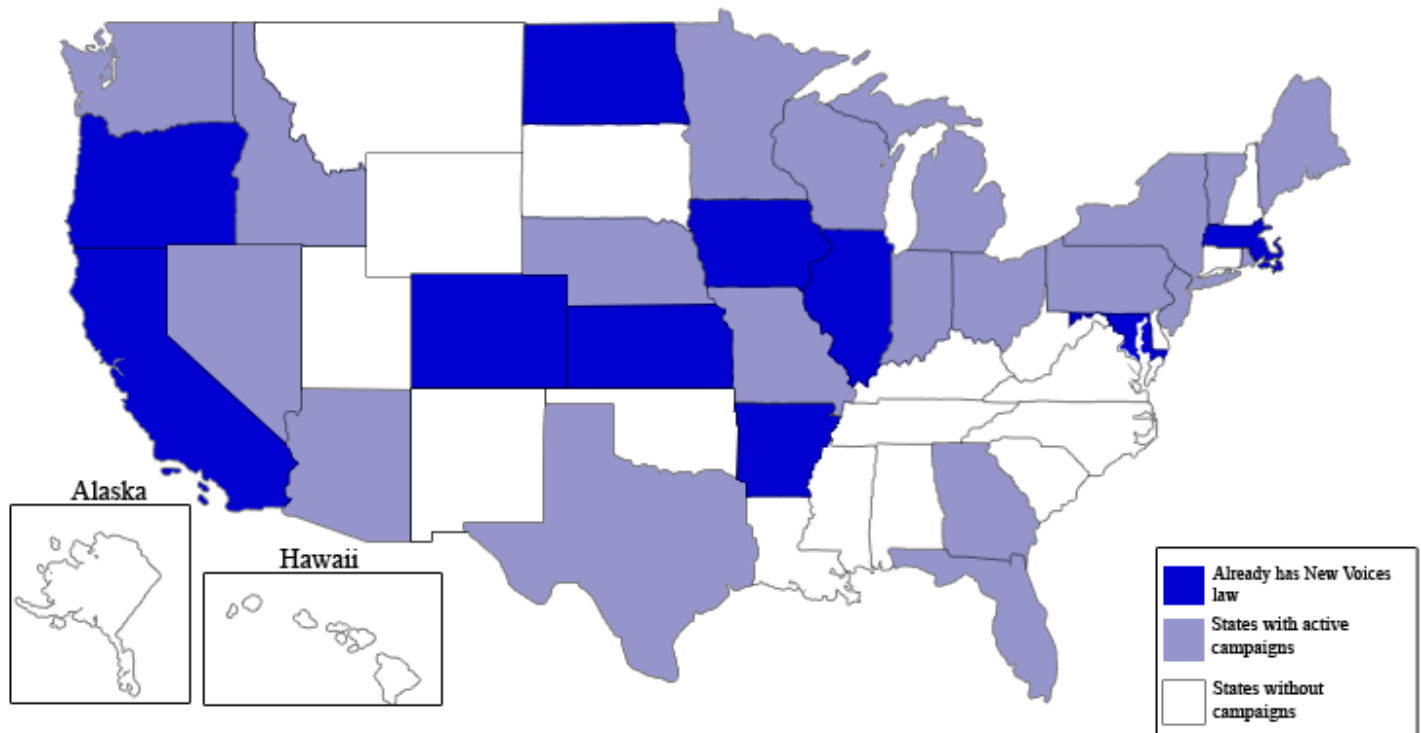
## Why do student press rights matter?

Editing a student newspaper is like running an entrepreneurial small business: enforcing deadlines, meeting budgets, handling customer relations, managing personnel, marketing a product. When schools censor student journalism, they're not just stopping readers from learning new ideas: they're stopping inquisitive young people from realizing their potential, as journalists or just as participatory citizens.

It may have been possible in the 1980s world of *Hazelwood* to bubble off young people from learning about teenage pregnancy by withholding articles from newspapers. Today, students have unlimited online channels in which to discuss "mature" topics. Only in the newsroom will they be required to sign their real names, check their facts, verify their sources, correct their errors, and consider the ethical and legal impact of their words on others. Censorship relocates the discussion of issues on which students have a uniquely valuable perspective from the accountable pages of student media to the anything-goes realm of online gossip and rumor.

Schools are increasingly asserting punitive authority over students' online speech even when the speech is created at home on personal time, so there is no "safe refuge" for speech critical of school policies anywhere. No blogging or social-media platform affords students anything like the audience of school-sponsored media, which reaches those able to affect policy throughout the school community. To tell students who want to discuss serious issues to abandon student journalism and start their own blogs deprives young people of the educational, mentoring and team-building value of the newsroom learning environment.





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## Who's affected?

An estimated 96% of all high schools in America offer some form of student media, according to a census by Kent State University. Participation in high school journalism is heavily female, as is the impact of censorship. A 2015 University of Kansas survey in one southeastern state found that 78% of participants were female, and that young women were more likely than males to report being forbidden from discussing sensitive or controversial subjects in student media — and twice as likely as male students to censor themselves in anticipation of adverse reaction from school authorities.

## What do New Voices bills do?

The goal of New Voices is to improve the press-freedom landscape for high school and college journalists and protect their advisers against retaliation for what their students say. Administrative censorship cripples the desire of budding journalists to be civically engaged or pursue journalism as a career. At its worst, censorship allows increasingly image-conscious schools to shut down or punish student reporters and advisers for whistleblowing speech that “makes the school look bad.”

## What don't New Voices bills do?

The protections do not put student rights on a plane with those of professional journalists at *The New York Times*. Schools retain the authority to prevent or punish speech that is defamatory, invades privacy, incites disruptive or unlawful conduct or otherwise interferes with the orderly operations of the school — the same common-sense level of authority that schools have over expression on students' T-shirts and ballcaps today.

# Burlington High Admin: Stop Censorship

By Alexandre Silberman Co-editor - Feb 2, 2017



Censorship is oppressive, and Burlington High School has a problem with it.

The BHS Register strives to be fair, accurate, informative, and serve as a public forum for student expression, but years of concern have prompted policies and actions that avert this mission.

Out of fear for administrative backlash, our faculty adviser has been bringing controversial articles and images to BHS leaders for years.

They have told us countless times to pull an image, omit a fact, change a headline, or remove an article completely.

At the start of the school year, many members were aware of a controversial and potentially racist sign that was brought into a Burlington vs. Rice football game. The Register reported the facts, nothing else, yet we were forced to alter the story. The image of the sign was not printed or posted on our website and the language printed on the poster was not listed in the article. Omitting this crucial fact did not allow for readers to be able to have an accurate, informed opinion on the situation.

Our current school system makes this kind of “self-censorship” unavoidable. We are not free, independent media; we depend on the school administration to operate. They partially fund our operating costs, and decide if our journalism program goes on the chopping block.

The Burlington School District is a politically active community, a value that should be viewed as an asset in an educational environment. Instead, this civic engagement has prompted worry from administration about the image of our school that the Register creates.

As a response to those concerns, the BHS administration now demands that we send them all of our content, 48 hours before publication, for their approval. Anything they don't like they can pull. It's all up to them.

Over the past six months we have published a number of pieces tackling challenging topics. From covering the tense contract negotiations between the teachers' union and school board, to our crumbling school building and the lack of handicap accessibility.

This type of accountability journalism is exactly what a student newspaper should be publishing. This is what the greater community depends on to stay informed on the performance of our schools. Student-journalists are embedded journalists, and make up for the lack of education reporting by the mainstream media.

Alexandre Silberman, student editor, The Register, Burlington High School, Burlington

Censorship teaches students to shy away from curiosity and challenging topics, shutting down these story ideas from even forming in the first place.

I understand that high school students are not adults, but a level of trust and responsibility should be given to individuals who are 15 to 18 years old. We are supervised by two teachers, our journalism advisers, who provide advice and assistance as we produce content. We follow the standard ethics and journalistic practices that professionals do. This is not a free-for-all.

Given the aforementioned points, I urge the BHS administration to remove their policy of prior review and support censorship protection measures for student-journalists. Our schools should not be a place where we teach tomorrow's leaders that censorship is acceptable.

# The Mercury

Next Stop News

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## Freedom of Speech?

**Robbie Maher**, Editor & Marketing  
Director

February 15, 2017

Filed under **Showcase**



In the midst of the Trump administration, the rights of a free press are questioned daily in tweets and from the podium in the White House Briefing Room. Concern about First Amendment rights is nothing new inside the less-than-democratic halls of public high schools. The US Supreme Court has ruled multiple times that various Constitutional rights give way to public school administrators' orders about safety and—their favorite word of all—appropriateness.



A recent bill proposed to VT state legislatures titled S.18 will guarantee that "student journalists may exercise freedom of speech and freedom of the press in school-sponsored media."

Court rulings on the First Amendment guaranteeing that “Congress shall make no law ... abridging the freedom of speech, or of the press...” have trended against high school newspapers for decades. A 1988 case, *Hazelwood v Kuhlmeier*, set the standard for censorship in public schools.

The case began in 1983 when, according to a September 13, 1987, *New York Times* report by Mark Uhlig found “... the principal of a St. Louis high school deleted articles on sex and relationships from *The Spectrum*, the school’s newspaper. Three students filed suit, asserting that their First Amendment rights had been violated.”

The principal of this school, Robert E. Reynolds, deemed both articles to be inappropriate and not protective enough of students’ right to privacy and prevented them from being published in *The Spectrum*.

Uhlig reported that, “In their lawsuit, three student journalists, Cathy Kuhlmeier, Leslie Smart and Leanne Tippet, argued that Dr. Reynolds had interfered with the newspaper’s function as a ‘public forum.’ School officials argued that the newspaper, as an extension of classroom instruction, did not enjoy First Amendment protections.”

The case worked its way up to the Supreme Court, which ruled in favor of Reynolds by a 5-3 vote, and stated that school administrators could censor an article if it proved “ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.”

This is madness! Anybody can have the opinion that something is poorly written. This ruling gives school officials the ability to act like bouncers and decide what can go and what doesn’t in a high school newspaper. This is not journalism, that’s public relations...



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During my two years as editor of the Bellows Free Academy Mercury, I have covered challenging topics that include school administrators receiving substantial pay increases when numerous teachers were cut from the budget, the Black Lives Matter group protesting outside BFA, the BFA Board's concern that MVU had higher test scores... and the list goes on and on.

After working hard with the paper's adviser, Peter Riegelman, and having successfully covered these issues, it is troubling to hear that should my school administrators have wanted to, they could have blocked these stories from being published. However, recognizing the importance of the student press, BFA's principal Chris Mosca choose not to.

Burlington High School (BHS) is a school that has been censored. This censorship came over a story that involved a Trump supporter being harassed at his or her school. By the BHS administration censoring the school paper and requesting prior review for the foreseeable future, BHS is suppressing a legitimate issue that is not going away anytime soon.

What is this going to do long term? Teach kids that whenever there is a controversial issue, to run away from it and hide? Journalism students today should not be concerned with whether their feature story will be censored by their school's hierarchy. Instead, students should learn, and practice skills, that make a journalist successful.

Thankfully, a bill introduced to Vermont legislature by "New Voices Vermont," titled S.18, would rework school administrator's ability to meddle in student news publications.

As the bill reads, nothing shall "prevent a student media adviser from teaching professional standards of English and journalism to student journalists." These standards are similar to those listed on the Student Press Law Center journalism ethics site -practiced at BFA.

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Since every journalism program in the state has an accredited teacher as its adviser, S.18 puts the judgment about what to publish and what to delete from the student paper in the proper, capable hands of the adviser.

The bill also reads a "student journalist may exercise freedom of speech and freedom of the press in school-sponsored media."

S. 18 needs the support of parents, professional journalists, and the voters of Vermont so that it is passed and student journalists are able to experience the free and full responsibilities that the First Amendment protects in our nation.



# Editorial: Protect New Voices

Feb 13, 2017  0



Last week the Vermont Senate gave a unanimous, second-reading endorsement to S.18 - an “act relating to freedom of expression for students.” Today the bill will face its third and final reading. If all goes well (as expected), it will move to the House.

Offering safeguards against administrative censorship, S.18 - sponsored by Jeanette K. White, D-Windham - extends strong, much-needed protections to student journalists in Vermont’s public high schools and colleges.

Vermont would be the ninth state to codify protections for young journalists. We urge lawmakers to make it happen.

We've seen plenty of instances, over the years, of school officials stifling free expression of young writers when their candid reports cast the school in a negative light. They've been empowered by a terrible 1988 Supreme Court ruling - *Hazelwood v. Kuhlmeier* - which found the First Amendment rights of student journalists are *not* violated when school officials prevent the publication of certain articles in the school newspaper.

We agree with our friends at the Student Press Law Center who argue "Students learn journalism best under a light touch of guidance from a well-trained adviser, not the heavy hand of government 'spin control.'"

The SPLC has been instrumental in driving "sensible free-expression policies modeled on the Supreme Court's *Tinker* standard, protecting the right to engage in lawful, non-disruptive speech." The center also rightly insists "Educators must be protected against retaliation for what their students say or write, and schools' authority over off-campus online speech must be strictly limited to prevent censorship from following students home."

In the case of S.18, free expression and free press are guaranteed in all instances except reports that: (1) are libelous or slanderous; (2) constitute an unwarranted invasion of privacy; (3) may be defined as obscene, gratuitously profane, threatening, or intimidating; (4) may be defined as harassment, hazing, or bullying under section 11 of this title; (5) violates federal or State law; or (6) create the imminent danger of materially or substantially disrupting the ability of the school to perform its educational mission.

We're not crazy about some of these exceptions, because we're purists, and think they extend too much room for interpretation from public school administrators. We're perhaps jaded because we've watched every creative manipulation and abuse of open-record exemptions by government agents over the years.

But First Amendment experts driving S.18 insist it's a solid bill with dramatic improvements over the status quo. It's an important state legislative remedy for a botched federal judicial ruling.

We were pleased to hear our own Senator Joe Benning provided an impassioned reading of S.18, on behalf of his Senate Education Committee, which unanimously approved the bill. And we were happy to hear that Vermont Senators all embrace the fundamental premises (as articulated in the bill's language) that: "(1) freedom of expression and freedom of the press are fundamental principles in our democratic society granted to every citizen of the nation by the First Amendment to the U.S. Constitution and to every resident of this State by Vt. Const. Ch. I, Art. 13; (2) These freedoms provide all citizens, including students, with the right to engage in robust and uninhibited discussion of issues; and (3) The General Assembly intends to ensure free speech and free press protections for both public school students and students at institutions of higher education in this State in order to encourage students to become educated, informed, and responsible members of society."

Honestly... who can't get behind that?