

This is my third time testifying on S. 18, with one of my testimonies as a member of the Secretary appointed Hazing, Harassment and Bullying Prevention Council.

On the two previous occasions, I expressed some concerns, but generally was supportive of the bill moving forward. Since it has moved to the House, let me again say that the Vermont Principals' Association is supportive of this bill in concept. However, with regard to the bill before you now, there are some obvious concerns that I wish to share with you. Let me provide some context before making my main points:

When I testified with the Senate Education Committee on January 24th, I said "...it would be pointless and rather foolish for me to sit here and to advocate for less speech for our students or to promote more authority for principals to exert control over their students good independent thoughts or decision-making skills. I said that the issue in front of us was how to work together to craft a bill that will allow for student voice to be heard and still recognize that there must be a balance between freedom of expression and the safe, efficient and common sense operation of our schools. As principals, we also seek to have a community of learners in a censorship-free environment.

As you might expect from me, a life-long educator, I will tell you educationally what works and what is problematic. I will leave it up to the lawyers and policy analysts to tell you legally and policy-wise what the hot-button issues are.

Aside from the concerns I shared with the Senate Education Committee when I said we believe that the bill should go forward and we'd be willing to help to improve the bill, there are still some things that leave me puzzled.

1. As both a teacher, principal and now Executive Director for almost 44 years, I took every occasion when working directly with students to provide teachable moments in our classrooms because I know that developmentally, our students need to understand standards before applying them. And unlike trained media reporters rely on an editor to decide what to print and what not to print, these student editors have little and at times no training. So, you can imagine my confusion when I read these statements:

- Page 2: 1623 (b) (1) A media advisor is defined as (... an individual employed, appointed, or designated by a school or its governing body to supervise **OR** provide instruction related to school sponsored media
- Page 3 (d) (1) "...the student supervisors of the school-sponsored media are responsible for determining the content of their respective media."
- Page 3: 1623 (d) (2) "a media adviser **MAY** teach professional standards of English and journalism to student journalists

If the desired state is for all student supervisors to have discretion over the content that is published, shouldn't the law state clearly that **the media adviser WILL teach professional standards?** Isn't this the teachable moment? And wouldn't we want to indicate specifically what standards they should teach?

2. On Page 4 1623 (i) the bill says, "Each school or its governing body shall adopt a written policy consistent with the provisions of this section." My question is this: Why does **EACH**

school or SU have to develop its own policy, and thereby incur additional costs to obtain a legal review of its new policy? Why is there not a model policy developed as agreed upon by the AOE, and major educational constituent groups? And in my testimony before the Senate Education committee, I also said we believe that it is paramount that each student publication also must have an editorial policy consistent with legal precedent, court decisions and professional journalistic freedoms, which will be agreed upon and signed by the principal.

3. The bill as passed by the Senate seems to heavily rely on legal definitions. Accordingly, It is confusing to me why these key phrases don't also have definitions:

- *Page 3 (3) (2) constitutes an **unwarranted invasion of privacy**. What is the definition of "unwarranted" and who decides if it is unwarranted?*
- *Page 1 1623 (2) "**robust and uninhibited discussion** of the issues" What exactly constitutes a "robust and uninhibited discussion" of the issues and again who determines if it is robust and uninhibited?*
- *Page 3 (e) (6) "creates the **imminent danger** of materially or **substantially disrupting** the ability of the school to perform its educational mission." I would like to see legal definitions of "imminent" and "substantially disrupting."*
- *Page 4 (f) "... provided that the school's administration shall have the burden of providing lawful justification without **undue delay**. What constitutes "undue delay?"*
- *Page 3 (f) "A school is prohibited... to **prior restraint**" and violations of federal or state law. My question: How is "prior "restraint" differs from what is now referred to as "prior review?"*

My experience in working in schools and with school leaders, is that students who take on the position of student reporters and student leaders are often quite responsible students who see the big picture and see themselves as supporters of the culture. I realize that, as school leaders, we need to relinquish control if we want students to have authentic experiences. We can't be promoting independent thinking and personalized learning plans on one hand, and then be controlling the content of their written expression on the other. But, let's not assume that student leaders learn this through osmosis. The value of the media adviser can't be over stated. Second, we can't assume that anyone other than the school principal sees the big picture regarding school safety and school climate. Working closely with the staff, the principal guides the school to assure student safety for all, and to assure a safe, orderly, civil and positive learning environment.

And, as I recommended in my previous testimonies, the best way to do this is to create a bill that:

1. Separates post-secondary from prek-12;
2. Relies on a consistent school board policy, presumably modeled after a statewide policy;
3. Prior to any publication, requires that the school administration, the media adviser and the student supervisors to agree upon procedures for content in the form of an editorial policy;
4. Includes funding for professional development of the media adviser.

When the bill was first introduced to the Senate Education Committee, many in the room acknowledged that there were times in our high school careers when our principals stepped in to delay, to alter or to censor free speech when it was clear that this might adversely affect their schools, violate school board policy and diminish the hard work students and staff had done.

Although I acknowledge that this was inhibiting, stifling and, perhaps, even undemocratic, the reality is that **principals have a perspective that many others do not have**. We accept our jobs as middle managers as well as building leaders. We are the keepers of climate, the maintainers of school policy, the disciplinarians, and the chief consolers of the kids who get bullied and harassed. In general terms, we are the protectors of the school's image and for the vulnerable. So, when it comes to student publications, we are squarely in the middle: we sit in between students and staff, between the students and school board and, oftentimes, between students and their parents. And, truth be told, most of you don't get the phone calls when Channel 3 news shows up, when there is an upset parent or when the facts of a story are incomplete or distorted.

As I said in my original testimony, no one would want this law to result in anyone being hurt or to hurt themselves. Under the law, ALL educators, and not just the principal, have the obligation to ensure that there is a "safe, orderly, civil and positive learning environment." So, in some sense, this bill represents a "trust-them" moment. If we all believe, as I do, that schools need to be microcosms of adult life, then a watered-down, non-controversial, non-opinionated student press, does not help to make kids independent thinkers or contribute to them becoming responsible adults and informed citizens. Student journalism under the auspices of a highly-trained media advisor, let me repeat, a highly-trained media advisor, represents very authentic work. I have learned over the years, that when it comes to assignments, kids readily distinguish real work from work that does not matter. And, kids also know when you trust them and when you simply say that you trust them.

However, as well intentioned as the bill is, the concerns I raised to the Senate Education Committee have not been addressed in this bill. Instead we now have a bill full of legalese and lacking the on-the-ground practical knowledge of how schools really work. But, with a bit more clarity and on-the-ground practical knowledge, I believe that it is possible to craft a bill that will advance the essential cause of press freedoms in Vermont, will still include mechanisms to assure that students are protected, and will take advantage of this exceptionally teachable moment.

Our school leaders and our trained media advisers know that freedom of expression and press freedom are central to our democracy. They also know that students need to know that school will prepare them to be wise and objective consumers of information, who can distinguish fake news from real news, and who "know the difference between style and substance, propaganda and analysis and opinions and fact."

This statement from the Newspaper Association of America publication on censorship sums it all up for me:

"When students come to expect thorough, documented information from multiple points of view, they will demand it the rest of their lives."

Thank you for the opportunity to testify again on S. 18. I hope some of these suggestions are considered as you move forward with this bill.

