



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.

Contact: Chris Evans, 802-922-6991, byChrisEvans@icloud.com

April 27, 2017

TESTIMONY BEFORE VERMONT HOUSE JUDICIARY COMMITTEE

My name is Chris Evans. I advise student media at the University of Vermont and serve as chairman of the First Amendment Advocacy Committee for College Media Association, where I advocate for students' free-speech rights at the nation's colleges and universities. I helped in the initial drafting of S.18, which is modeled on similar laws around the country, with substantial help from attorneys at the Student Press Law Center in Washington, D.C.

To date, 10 states have passed what we are calling "New Voices" laws, so named 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. Many other states have active campaigns to pass the legislation, and additional campaigns are gearing up

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. 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. I have listed below the states that have passed or are working to pass New Voices laws. I am happy to answer any questions.

Thank you.

States that have passed New Voices-style legislation as of April 2017.

- Iowa
- Kansas
- Massachusetts
- Arkansas
- Colorado
- Oregon
- California
- North Dakota
- Maryland
- Illinois

States where the legislation has passed one chamber this legislative session.

- Arizona
- Missouri
- Nevada
- Vermont

Other states with active campaigns this legislative session.

- New Jersey
- Rhode Island
- Texas

States where New Voices advocates are working to introduce bills next legislative session.

- Wisconsin
- Montana
- Idaho
- Florida
- New York
- South Dakota
- Hawaii
- Michigan

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.

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

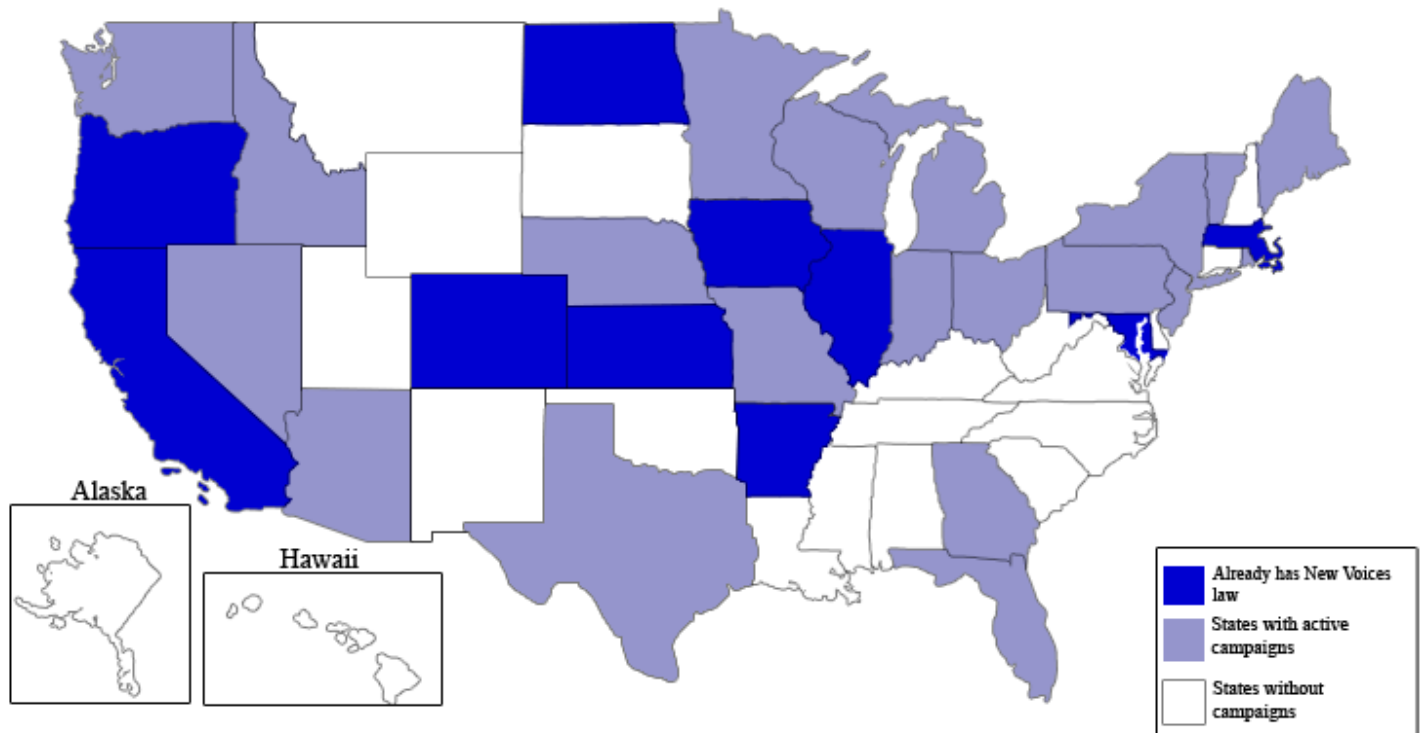
Why do student press rights matter?

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.





Arkansas • California • Iowa • Colorado • Kansas • Oregon • Massachusetts
 North Dakota • Maryland • Illinois • *Is your state next?*

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.