

Testimony on S. 18 - An act relating to freedom of expression for students  
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Although I am now in my fourth year of retirement, I taught English at Brattleboro Union High School for 35 years. For 19 of those years, I also taught journalism, a course I developed. After three years of working with the BUHS school board, I was finally able to bring my idea to fruition in 1994 and established the BUHS journalism program. The journalism course counts for English credit for juniors and seniors, and elective credit for freshmen and sophomores. An after-school group, to which I was adviser, produced a print student newspaper that won awards. At least one student from every semester of the course has become a professional journalist. I am happy to say both components of the journalism program, the course and the after-school group, continue under the leadership of other members of the BUHS English department.

As a neophyte journalism teacher, I sought help on how to teach ethical journalism to my students. Luckily, I learned about the Journalism Education Association and joined immediately. JEA is the largest organization for journalism and publication teachers and advisers, since 1924 helping them educate their journalism students. JEA provides training at national conventions and institutes, offers national certification for journalism teachers, and provides mentoring at no cost to new journalism teachers, among other activities. I currently serve as a mentor in that program. The annual membership fee is modest: \$60 for a teacher/adviser. JEA is not the only organization of this kind. My point is that journalism teachers and advisers do not have to operate in a vacuum. They have easy access to organizations that provide solid training, guidance, and support for them and their students.

I strongly support S. 18, an act relating to freedom of expression for students, for the following reasons:

- 1) When students have freedom of expression, they learn what it means to engage in civic discourse, and they live the reality of the First Amendment. They learn how to be active and effective citizens, how to disagree civilly and seek compromise;
- 2) When students have freedom of expression, they learn what real news is and the work that goes into producing thorough, honest, responsible journalism;
- 3) When students have freedom of expression, they have an outlet for their concerns and their voices. Information can flow freely. Student journalists don't have to worry about censorship imposed by the administration, or engage in self-censorship to avoid possible conflicts with the administration.

The benefits of this bill will apply not only to the student journalists, but also to all the students in the school, who will experience an open-information environment.

This bill addresses the limitations on student press freedoms that resulted from the Supreme Court's *Hazelwood v. Kuhlmeier* decision in 1988, a decision that has been interpreted to mean that school administrators have increased authority to censor student media. This Vermont legislation reasserts a strong First Amendment protection for student expression, along the lines of the Supreme Court's 1969 decision in *Tinker v. Des Moines Independent Community School District*, by finding a reasonable balance, in my view, between school authority and student freedom.

In the form passed by the Vermont Senate, the bill has been crafted to exempt from protection student speech in six categories that the school has legitimate reason to stop: 1) is libelous or slanderous; 2) is an unwarranted invasion of privacy; 3) is obscene, gratuitously profane, threatening, or intimidating; 4) is harassment, hazing, or bullying; 5) violates federal or state law; 6) creates imminent danger of materially or substantially disrupting the ability of the school to perform its educational mission.

With this Vermont bill, students' freedom of expression doesn't depend on who is currently the school or district administrator. With this Vermont bill, students can have confidence that their fundamental freedoms of expression and of the press are protected.

It's worth noting that 12 states already have similar statutes in effect, so Vermont would not be the first. Approximately one-third of all American high school students currently have *Tinker*-level protection in their high school newsrooms. I'm hoping you will make sure Vermont students are added to that list.