

Testimony from Ken Page, Executive Director of the Vermont Principals' Association regarding S. 18, a bill on student freedom of expression

Thank you for inviting me to share my association's opinions about S.18. After attending the walkthrough of the bill last week, and hearing the students from UVM and Burlington High School, I have some feedback from principals and some suggestions, which I feel will strengthen the bill.

After a weekend in this country when we are celebrating free speech, and one's right to stand up and have our voices heard, 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 principal to exert control over their students good independent thoughts or decision-making skills. So, really, the issue in front of us is 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.

When I sent the bill to school principals, I assumed that some principals might react negatively saying that this is a further erosion of the school leaders' authority. To my surprise, I got very little of this. For the most part I got principals asking about what prompted the need for the bill and why the bill proponents feel they must act now. Several cited first amendment rights and one even cited The Tinker versus De Moines case. Our VPA president who is ill and on a medical leave even weighed in with his favorable views about the bill said he would definitely have no problem supporting it. He even sent me the Student Law Center Press website. So, bottom-line, we at VPA are favorably predisposed to work with folks to improve the bill, as it exists.

When S. 18 was introduced, Senator Mullen asked the committee about teen suicide and whether more freedom of expression could lead toward to higher numbers of students hurting themselves. I have served since its inception on the Secretary-designated Vermont's Task Force on the Prevention of Hazing, Harassment and Bullying. I know from my work on the Task Force as well from my entire 44-year career working in and on behalf of Vermont's school leaders that this is a very real concern. Clearly we all do not want to support legislation that leads to more kids being targeted. The answers for promoting student freedom of expression are never easy, but, as educators, the answers are always found in developing a more informed electorate and in a trusting and supportive environment where questioning is the norm and not the exception. *(To understand the intricacies of student press freedom, and the position that building administrators face, consider taking the Press Freedom quiz from the Student Press Law Center).*

I know you are just beginning to take testimony about the bill, and last week and when the sponsors introduced the bill, they said they would welcome suggestions for changes. Here are my associations' suggestions for bill changes and some points to consider:

1. I encourage you to separate out post secondary (i.e. college) student press from preK-12 (right now, there are two identical sections in the bill). Clearly, there are distinct developmental differences between the groups; the most obvious one is that post-secondary students are adults. Even the Student Law Press Center acknowledges that

the model guidelines for high school and college media should be different, even though we know that the First Amendment has no set age limitations.

2. Although the bill as written says each school or governing body shall adopt a written policy, 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. It has been written in Press Freedom and Practice that "... the the best way to ensure a quality student press is to hire a qualified and trained journalism teacher/adviser to establish clear policies that outline students rights and responsibilities." Realizing that the student adviser will need training and professional development, we suggest to this committee that schools will need to budget for training for the student adviser and figure out what this will cost each school on a yearly basis.
4. We suggest that the bill needs to reference to a common set of professional standards of journalism and ethics. That way, there will be consistency across the state.
5. We know that not all school environments are the same. A grade 9-12 student environment at South Burlington High School is distinctly different from a K-12 environment at West Rutland School. Knowing this, we suggest you allow individual schools to establish safeguards to account for developmental differences in the student population.
6. We can't stress enough that regular communication with the building administrator is the key to developing trust; and we know trust is the basis for mutual respect.

When the bill was introduced, many in the room acknowledged that there were times in our high school careers when our principals stepped in to delay, alter or 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 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, the chief consolers of the kids who get picked on. In general terms, we are the protectors of the school's image and for the vulnerable.

And, 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.

So, it is with this said that our organization indicates to your committee "Let's proceed ahead with S. 18." Our school leaders 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.” In thinking about S. 18 and in trying to adopt a let’s-make-it better approach, I did some reading about First Amendment rights. This sentence from a the Newspaper Association of America publication on censorship seems to sum 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.”*

My organization and I look forward to seeing some changes in this bill and would be glad to contribute further comments as the bill moves through the Vermont legislature.