



TO PROTECT STUDENT JOURNALISM
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New Voices of Pennsylvania



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Pennsylvania New Voices Testimony

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House Education Committee

We ask that you support House Bill 1309, The Pennsylvania Student Journalism Protection Act. This bill ensures that student journalists' First Amendment rights are protected and that their voices remain independent and protected. This act also protects teacher advisers from professional retaliation for refusing to unlawfully censor student work.

Across the Commonwealth, school administrators frequently subject their school newspapers, broadcasts and online media, and yearbooks to prior review to scan for content they feel is controversial or sensitive; often, they ban content based on fear and ignorance. Much of the time, those school officials who are enforcing unfair and unconstitutional content restrictions have no background in journalism and are unfamiliar with the protections to which students are entitled. Many principals see it as part of their job to censor the school paper and do not view the Pennsylvania School Code as law. They are enforcing a power they should not assume to have.

Under the current code, there is no protection for teachers who advise student-run media; oftentimes they are disciplined, removed or even transferred to other schools for protecting student speech. A teacher/publications adviser's role is to teach writing, reporting, interviewing, ethics, law, and other fundamentals of journalism. They should never drive or dictate content.

The Student Journalism Protection Act is fundamental to supporting students so that they may exercise their First Amendment rights. As stated in *Tinker vs. Des Moines (1969)*, students do not shed their constitutional rights at the schoolhouse gate. Student-run media should not be a public relations tool for administrators but a voice of the students, by the students.

Fostering independent thinking, fact-finding, truth-telling and unbiased presentations of news and events is fundamental to democracy. With training in the fundamentals of journalism, including law and ethics, we should let students make their own decisions and report without censure.

This non-partisan bill:

- Protects students from undue and unconstitutional censorship
- Allows school officials to intervene ONLY when necessary, for example, if the story would cause a substantial disruption that interferes with classroom activities

- Protects teachers from punishment for refusing to unlawfully censor their students
- Allows student journalists to serve as truth-tellers and fact-checkers for rumors and misinformation
- Protects schools from liability for material published by students
- Promotes quality, ethical and responsible journalism at the highest standards
- **Does not** allow students to publish without feedback and impunity
- **Does not** allow students to publish content not protected by the First Amendment including libel, slander, hate speech and defamation of character

Let Pennsylvania join its neighboring states of West Virginia, Maryland and New Jersey in making House Bill 1309 a law. Currently, 17 states have New Voices legislation, and bills have been introduced in nine states, including New York, Wisconsin and Minnesota.

This New Voices legislation is supported by several local, state and national associations. The list is growing. Currently, those in favor include:

Pennsylvania State Education Association
 Journalism Education Association
 Pennsylvania School Press Association
 Student Press Law Center
 Society for Professional Journalists
 American Society of News Editors
 Association for Education in Journalism and Mass Communication
 Press Club of Western PA
 American Bar Association
 National Council for Teachers of English
 Pennsylvania News Media Association (PNA)

We have heard from other schools who have experienced censorship from their administrators. We also are concerned about self-censorship when students want to protect their advisers from retaliation and end up not reporting on important stories out of sheer concern that they will get in trouble for publishing them. Self-censorship **erodes the educational environment schools are supposed to foster**, instead creating conditions in which students fear speaking their minds at school.

Examples of censorship of important and newsworthy stories in the Commonwealth.

Neshaminy High School 2013-14:

The editorial board of the Playwickian voted 14-7 to ban the word "Redskin" from its publication. The principal "banned" the ban. The adviser was suspended without pay for two days. The principal also docked the paper \$1,200 and the Editor in Chief was removed from her position for the month of September. The case garnered national attention. The school punished the student newspaper and adviser for NOT using what they deemed as a racial slur.

Elizabethtown High School 2018

In an interview published on December 14, a new school board member made a controversial statement and also questioned the school's curriculum. When students reached out to another board member in the following issue for a response to the controversial statement, the principal told the students to remove the quote or face dissolution of the newspaper.

Conestoga High School 2009

The Spoke published an article "Obligation to Report" that exposed a district employee who was charged with armed robbery and called out sick from his jail cell. He did not report his felony charge to his employer because at the time, under Pennsylvania law, he was not required to do so. Over the summer of 2009 district officials met and tried to change school policy to permit prior review, but a grassroots movement stopped the policy change before the board could approve it. This news story went on to win the national News Story of the Year and Story of the Year, and its writer won the Courage in Student Journalism award. And, this story helped lead to the law where school district employees must report felony arrests to their employers.

Delaware County 2022 (we have been asked to keep the name of the school confidential because of fear of retaliation from the administration against the paper and the new adviser, but the testimony comes from a current college student studying journalism who has experienced censorship firsthand)

Our newspaper advisers...sat in on every pitch meeting while I was on staff (2019-2022). If we pitched a story that they believed could be controversial, they told us we couldn't report on it. When I served as editor-in-chief in 2021-22, my advisers asked me to keep things mild and make sure that none of the stories we wrote would be controversial. We didn't have an official prior review policy, but I couldn't send an issue to press until my advisers read through and signed off on it.

In 2022, I was working with a student on a story about the school district's education on the Holocaust. The student wrote about recent examples of antisemitism in the U.S. to contextualize why more education about the Holocaust was important. My advisers asked me to cut the examples and other information that could upset the school district administration. After a few rounds of edits, my advisers told me to rewrite parts of the story or cut the story entirely. This felt incredibly wrong to me, but rewriting was the only way that the important story could get published.

I felt like I was constantly walking a line between supporting other student journalists as we tried to tell meaningful stories and keeping my advisers and school administration happy so that we could continue to publish.

Conestoga High School 2023

The Spoke planned to publish its "Senior Destinations Map," a chronicle of the post-high school plans of the school's graduating class, as it had done for more than 60 years. The building principal told the student editors that she would not allow the map to be published as it did not fit

into her "vision" for the newspaper and school. She even went as far as to tell the students that they would be putting their advisers' jobs on the line if they were to publish the map. The students fought the decision, which violated school policy, Pennsylvania law and the First Amendment, and eventually won back the basic right to freedom of the press. The Editor in Chief at that time went on to be recognized as a national finalist for Student Journalist of the Year.

**Some comments from advisers across the state about their experiences with censorship.
From a New Voices PA adviser/student survey:**

The principal *"did say he would prefer that we avoid controversy and just write about 'spaghetti.'"*

Who is reading the paper prior to publication? Are they qualified? *"The final newspaper is reviewed by the Activities Director and the Principal."*

Exercising power over student publications often results in diminishing the timeliness and newsworthiness of stories. *"Under supportive administrators, we had created a "hands off" review policy that only the two principals would see, and articles would be published 48 hours later without waiting for approval. When I left this school, the principal ignored this policy of almost 10 years and threatened my former students to not allow articles to go to print if they didn't alter benign quotes that she felt could be worded better. Once, she went on vacation without approving an article, and the article missed the print deadline because the new journalism adviser would not publish it without her approval."*

From the Principal's Guide to Scholastic Journalism (<http://principalsguide.org/>)

Studies have clearly shown that students, and communities in general, do not understand the importance of the First Amendment. One reason may be that students are not allowed to practice what they are taught while in schools and thus do not believe the theories of the democratic system.

Closing Remarks

We don't allow principals to call football plays, and we don't punish teams for unconventional plays.

We don't allow school administrators to direct musicals, and we don't shut down a production if a student says the wrong lines.

We don't allow school administrators to dictate who runs for student council president, and we don't rig elections in favor of a pro-administration candidate.

So, why are we allowing principals to thwart free speech when it erodes the educational environment we are supposed to foster?

Please consider moving House Bill 1309 forward and showing your support for the constitutional rights of Pennsylvania student journalists.

Thank you.

The Pennsylvania New Voices Committee