grassroots editor

A journal for newspeople

ISWNE

Published by the International Society of Weekly Newspaper Editors

AT THE SCHOOLHOUSE GATE, STUDENT VOICES MATTER

14 STATES PASS 'NEW VOICES' LAWS PROTECTING STUDENT SPEECH, PRESS

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Democratic Gov. Jay Inslee (seated) signed Senate Bill 5064 into law on March 21, 2018, making Washington the 14th state to pass a New Voices law. Republican Sen. Joe Fain (standing by the governor's right shoulder) cosponsored the bill. Supporters attended the signing in Olympia. Photo: Jennifer Karchmer.

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About this issue

By JENNIFER KARCHMER
Spring 2018 Guest Editor

"We have to be the check on their power. If we don't hold them accountable, who will?" – Tom Hanks as Ben Bradlee, editor of The Washington Post *in "The Post" (2017).*

With students speaking up about gun control and safety on campus in the wake of the Feb. 14 Parkland, Florida, school shooting, you might think this edition of *Grassroots Editor*, with articles from high school editors, journalism teachers, college professors and professional journalists, was poised to be about student freedom of speech.

But the idea to devote an entire issue to the New Voices legislation that protects and preserves students' freedoms to speak and publish without censorship came to the fore at the end of 2017. As a reporter who covers First Amendment issues, I was researching and writing on Washington state's New Voices bill SB5064 (making its way through the state legislature) when I got talking to ISWNE Executive Director Chad Stebbins about the idea of dedicating an issue to New Voices. We agreed it would make a great topic. Plus, the journal could serve as a reference tool for folks getting a movement going in their state.

This Spring 2018 edition is not an exhaustive publication by any stretch – we were able to present stories from just a few states and, to date, 14 states have enacted New Voices legislation (i.e., Arkansas, California, Colorado, Illinois, Iowa, Kansas, Maryland, Massachusetts, Nevada, North Dakota, Oregon, Rhode Island, Vermont and Washington). Appreciation goes to the SPLC, the Washington, D.C., nonprofit that has been protecting students' rights since 1974. The SPLC and former Executive Director Frank LoMonte started the New Voices movement in 2015 after the passage of North Dakota's John Wall New Voices Act.

We urge you to share this publication far and wide to help the other 36 states where students and their faculty advisers deserve the added protections. Our hope is that student editors and their classmates, journalism teachers, principals, superintendents, members of boards of education, lawmakers, lobbyists, journalism association members and professional journalists all get a chance to read this issue, which enlightens us about the tireless, grassroots efforts happening to ensure that our students are not censored at "the schoolhouse gate."

* * * * * * *

In January, I began procuring articles from ISWNE members, university professors, professional journalists, students and others who were familiar with the New Voices movement. Big thanks go to ISWNE President Steve Ranson, who wrote and contributed several articles on Nevada's law. Additionally, Steve rounded up other writers, like Stephanie Carroll, who composed a first-person story of censorship.

ISWNE member Andy Schotz also was very helpful as he led me to University of Idaho Prof. Rebecca Tallent. Becky and her colleague, Prof. Katie Blevins, presented their findings regarding high school journalism teachers' attitudes to New Voices.

In another article, University of Nevada, Reno Prof. Patrick File weighed in on his experience with New Voices. Thank you to the SPLC and Danielle Dieterich for permission to reprint File's interview.

Noteworthy this year is that Washington state has become the 14th state to pass New Voices legislation, so you will read an article I wrote on how the bill started and stalled many times before making its way to the governor's desk in March. High school newspaper editor Madison Morgan contributed her account of what it's like to testify in front of lawmakers.

No discussion of New Voices would be complete without explaining Hazelwood and Tinker, two significant U.S. Supreme Court cases that altered and influenced students' rights on campus. Prof. Bob Bergland of Missouri Western State University authored a piece with some background on both of these landmark decisions.

Lastly, we hear from Taylor Potter, an intern with the Student Press Law Center, who penned an assessment about the time he served as editor of his high school newspaper in Texas.

Based in Bellingham, Washington, ISWNE member Jennifer Karchmer is an independent journalist who covers freedom of the press and First Amendment issues. A volunteer correspondent with Reporters Without Borders, she produces "The Transparency Report with Jennifer Karchmer" and "The jPod," a journalism podcast. Read more on her website at: www.jenniferkarchmer.com

'A lesson worth learning'

By STEPHANIE CARROLL

FALLON, Nevada – In 2010, while covering the education beat for the *Lahontan Valley News* (*LVN*) in Fallon, Nevada, I reported on a unique case of student censorship that made national headlines. Eight years later, the fears of student journalists creating disruption have not changed, but when we look back on what was called "Choirgate," it is clear that the consequences provide a lesson worth learning.

Our coverage began when Churchill County High School student Lauren Mac Lean and her journalism adviser, Myke Nelson, brought a story to the *LVN* hoping for support in case authority figures prevented the piece from printing in the student newspaper *The Greenwave Flash*.

The student article presented parent comments alleging that the high school music teacher, Kathy Archey, had not submitted competition audition tapes but instead told students and their parents that they had been rejected.

Although Nevada is one of the first states to pass the New Voices legislation, in 2010 the administrators had full legal authority to withhold the article. Yet, Principal Kevin Lords and former Churchill County School District Superintendent Carolyn Ross decided that to do so would violate the student's First Amendment rights.

In a unique case of attempted student censorship, the teachers' union, the Churchill County Education Association, filed an official grievance demanding administrators prohibit the article. CCEA President April Chester stated at the time: "We agree the student newspaper has rights but not the same rights as a regular newspaper. It is inappropriate and disruptive to the teaching-learning environment to air parent complaints about teachers in a school newspaper."

Nevertheless, the district held firm, the article printed and the story broke across the nation.

The CCEA then filed a second grievance against Ross for discussing details concerning the original grievance with the press. Ross said the district's lawyers determined that the district had not violated any agreement or policy.

The battle continued when Archey filed a lawsuit against Ross, Lords, Nelson and my former editor, Steve Ranson, but after several months, a Nevada judge dropped the suit, determining that nothing in the student article was known to be false.

STEPHANIE CARROLL

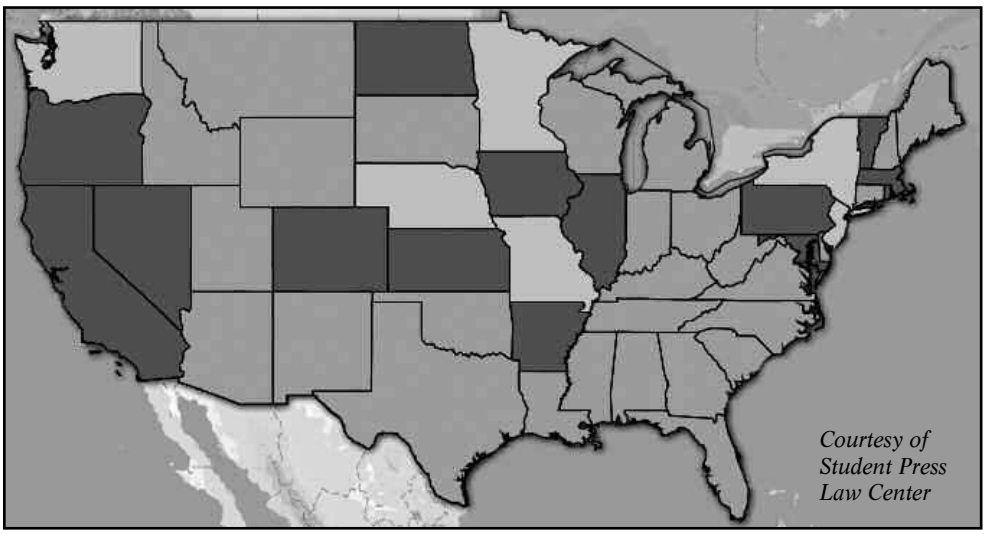
Administrators objecting to the New Voices legislation make the same argument that the CCEA made in 2010: Without prior restraint, schools cannot prevent student news from creating a disruption.

Did Mac Lean's article have disruptive consequences? Yes. It not only called Archey's character into question but in a small town like Fallon, Nevada, everyone involved came under scrutiny, including Mac Lean, whose experiences afterward, in my opinion, reveal why disruption itself is a learning tool.

In 2017, Mac Lean (whose married name is Draper) testified in favor of the New Voices legislation, recalling that after the article printed: "... I found myself frightened and confused about whether I had made the right decision in writing the article. I was truly chilled. I followed the code of ethics and made no libelous claims, yet I felt guilty and ashamed of reporting the truth. I was shamed by teachers I had respected ..."

Draper faced the same difficult questions and consequences many reporters face when holding an authority figure accountable by revealing the truth. In an age when information spreads with the click of a button, it is more important than ever that students learn to respect it. This can only be gained through experience, and it is clear by Draper's testimony that, despite the consequences, she is still in favor of students having the opportunity to learn that lesson for themselves.

Stephanie Carroll is a historical novelist, blogger and speaker. Learn more about her work at www.stephaniecarroll.net or @CarrollBooks on Facebook, Twitter and Instagram.



New Voices* State Tracker

New Voices legislation passed

New Voices legislation pending

No New Voices legislation enacted

* As of March 21, 2018, Washington is the 14th state with a New Voices law.

Restoring journalists' First Amendment rights at the school door

By STEVE RANSON

FALLON, Nevada – Thirty years ago – Jan. 13, 1988 – the United States Supreme Court ruled in a 5-3 decision that student journalists shed some of their constitutional rights at the school door, and as such, school administrators retained the right to remove material they deemed inappropriate, or, in many cases, embarrassing to them personally.

Jan. 31, 2018, kicked off the Hazelwood Day of Action, a year of nationwide activities and collaborations designed to reflect on the decision and focus on New Voices legislation.

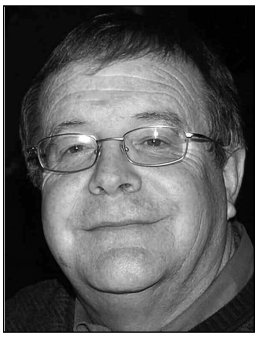
The principal at Hazelwood East High School in St. Louis, Missouri, believed the student newspaper *The Spectrum* went too far with two stories on divorce and teen pregnancy, even though pseudonyms had been inserted. In Hazelwood v. Kuhlmeier, the justices overturned a lower court ruling stating "the principal's actions did not violate the students' free speech rights."

Because the school sponsored the newspaper, and many school districts consider the principal as publisher, the court said Hazelwood East High School had a right to prevent the publication of the two articles. The ruling has endured for almost 30 years until many state legislators, with the guidance of the Student Press Law Center and other interested parties such as state press associations, began passing legislation challenging the constitutionality of Hazelwood v. Kuhlmeier.

Nevada Senate Bill 420 was part of a national push called New Voices to counteract a trend by some school administrators to censor student journalists. The bill sets a standard in Nevada that clarifies the school's ability to limit articles by student journalists only if they create a danger of "substantial disruption" to education – the same free-speech standard applied to T-shirts or hats.

Along with the strong support of the Nevada Press Association, the International Society of Weekly Newspaper Editors and others... students, teachers, Nevada State Sen. Nicole Cannizzaro and University of Nevada, Reno media law professor Patrick File testified in front of two Nevada legislative committees in favor of the bill during the spring of 2017. It passed 21-0 in the Senate with bipartisan support and 30-11 in the Assembly with most Republicans opposed. Gov. Brian Sandoval signed the bill in early June.

A Nevada incident in 2010 became a national catalyst to why student journalists shouldn't be censored. A situation involved the newspaper editor of *The Greenwave Flash* at Churchill County High School. Her superintendent and principal had the courage to allow the student editor's story to be printed on a music teacher who withheld audition tapes from being submitted for the all-state choir. The teacher unsuccessfully filed suit against the superintendent, principal, adviser, and the local newspaper editor for allowing the article to be published in both the student and local community newspapers.



STEVE RANSON

Move forward to last spring when a high-school journalism case arose in Kansas, and its outcome was presented to Nevada legislators during their hearings on SB 420. Kansas high school students wrote an article exposing their incoming principal as a person who had obtained questionable degrees in her career field of education. In an Associated Press story, a recently hired high school principal resigned after student reporters investigated her credentials.

The new principal had received her master's and doctoral degrees from Corllins University, an unaccredited, online school.

Supt. Destry Brown praised the student reporters, saying: "I appreciate that our kids ask questions and don't just accept something because somebody told them." He told the *Pittsburg Morning Sun* they "did a great job with the research."

This is an example of student journalists being allowed to research and publish top-notch work, yet stories still abound across the United States of superintendents and/or principals who remove stories that are just as accurate as the Kansas article because they're embarrassing.

Nevada students had press champions looking after their rights to report the news in a fair, accurate manner.

Our professional journalists know that the media – specifically the mainstream media –have been under fire, but the attacks on any legitimate editors or reporters is an assault on any journalist, whether they write for the *New York Times*, the *Las Vegas Review Journal*, the *Lahontan Valley News* or the *Greenwave Flash*.

For student journalists, though, we must continually ensure the courts, state lawmakers and especially school administrators recognize the importance of a free press at any level of publication. SB 420, like other New Voices legislation passed in 14 states, now affords students the ability to "tell the news as it is" not how an administrator wants it spun.

Steve Ranson, editor emeritus of the Lahontan Valley News *in Fallon, Nevada, is president of the International Society of Weekly Newspaper Editors, past president of the Nevada Press Association and a former high school newspaper and yearbook adviser.*

Student editor's mission: Tell the truth

School district support of the First Amendment allowed controversial article to be published

By STEVE RANSON

FALLON, Nevada – Those who underestimate the will of teenagers are surprised by how adamant they are when advocating the truth. These high-school students have also discovered a vast network of professional journalists who are willing to ensure their First Amendment rights as student editors and reporters are protected from unnecessary encroachment from school administrators.

In January 2010 in Fallon, Nevada, a small agriculture and military city 65 miles east of Reno, Lauren Mac Lean (now Draper) edited the Churchill County High School newspaper, *The Flash*. Since 1927, the newspaper has reported on school activities, students and athletics, yet more than eight years ago, a newspaper story shook up the status quo. Draper discovered the choir teacher's recorded audition tapes from her students were not being submitted for adjudication.

"When I finally realized this was bigger than anticipated," Draper said, "I began working with Kevin Lords (CCHS principal). He was very open and willing to work with us."

What ensued was an attempt by the Churchill County Education Association (CCEA) to quash the story from the newspaper, but when Lords and retired Superintendent Carolyn Ross refused to back down and, instead, supported Draper, the CCEA promised a fight.

Presenting the truth

Draper clearly remembers the uproar over the article, which revealed the choir teacher playing favorites.

"As a high school journalist, I strived to remain balanced and fair in each article I wrote," Draper wrote in her testimony in 2017 to both education committees in the Nevada Assembly and Senate. "I constantly asked myself if an article did more good than harm and I attempted to present every angle of a story. Even as a 17-year-old student, I took pride in my work and lived by the Society of Professional Journalists Code of Ethics. I sought the truth and reported it, carefully presented the facts, and took responsibility for the accuracy of the articles I wrote."

In less than six months, Draper would be graduating, but according to the high school senior, the incident terrified her because the CCEA threatened to file a lawsuit. When the article published in the local community newspaper, the *Lahontan Valley News*, and the student newspaper, choir teacher Kathy Archey subsequently filed a lawsuit with CCEA's blessing against Ross, Lords, newspaper adviser Myke Nelson and the editor of the *LVN*.

"After I sought and reported the truth about choir students' audition tapes being withheld from a statewide competition, I found myself frightened and confused about whether I had made the right decision in writing the article," Draper said in her testimony. "I was truly chilled. I followed the code of ethics and made no libelous claims, yet I felt guilty and ashamed of reporting the truth. I was shamed by teachers I had respected and was called a 'zealous child' by the co-chair of the Churchill County Educators Association."

The Student Press Law Center (SPLC), the University of Nevada, Reno Reynolds School of Journalism, the Nevada Press Association and the ACLU all weighed in and supported the school district, Draper and *LVN*. In August, a district court judge threw out the case.

"There is not a single sentence contained in the school article which is false or known by any district defendant to be false," Churchill Country District Judge William Rogers wrote in his decision. "The publication of these concerns by a student author/editor in a student newspapers serves to communicate this information directly to (Churchill County School District) administrators."

The former dean of UNR's Journalism Department hailed the judge's ruling.

"I thought the judge's decision was extremely important because it spelled out how important a student newspaper is and praised the Churchill County High School newspaper," Jerry Ceppos said. "It's a tremendously important decision for high school journalism."

The need to support New Voices

When Draper heard of the New Voices legislation, or Senate Bill 420, to grant student journalists more protection in exercising their First Amendment rights, she was shocked, in her own words, that the Fallon case was being discussed as a major incident of how an adult school-related organization wanted to censor a student article because of embarrassment. Draper remembers the support then and felt the need to support New Voices, which passed both the Nevada Assembly and Senate and was signed into law in June 2017 by Gov. Brian Sandoval.

"Senate Bill 420 provides for a policy to protect the right of expression for students working on certain publications as journalists," said Nevada Sen. Nicole Cannizzaro, D-Las Vegas, who sponsored the bill. "This relates to a student's ability to engage civically in their schools and with their publications. There is a proposed conceptual amendment to this bill that includes some further details about the policies we are hoping to enact for student journalists."

New Voices grew out of the U.S. Supreme Court decision of Hazelwood School District v. Kuhlmeier, which, in 1988, gave school administrators the right to remove news they deemed unacceptable. In their majority opinion, the justices said students' First Amendment rights were not being violated because a school newspaper is a learning tool.

"This bill also seeks to protect college students from application of the Hazelwood standard, and instead makes clear the Tinker standard would apply, thereby confirming and recognizing the importance of the freedom of the press," Cannizzaro added.

Dr. Patrick File, a UNR journalism professor specializing in First Amendment issues, worked with Cannizzaro in having this bill heard by the Legislature.

CONTINUED ON PAGE 6

"I think the strength of this bill is for students, advisers and administrators to have a clarity across the board that they know that when censoring or disciplining student speech, it will need to meet the substantial disruption standard rather than different standards," File testified. "It seems to give the idea that censorship is constantly happening and principals are going through every page of the newspaper with a red marker. In the schools and programs where student media is the strongest, that is not happening."

Testifying for the First Amendment

Yet, it happened in the Churchill County School District.

"By good fortune, the Churchill County School District upheld the First Amendment by allowing my article 'Choirgate' to be published, even absent of SB 420," Draper told lawmakers. "Many students and student media advisers are not as lucky in their attempts to publish the truth, due to a 30-year-old U.S. Supreme Court decision that says schools can censor student media when they can assert a 'legitimate pedagogical purpose' for doing so.

"School principals and constitutional lawyers alike have struggled ever since to determine how to apply this vague standard, often resulting in the censorship to truthful student speech that serves the public interest, like my story. With SB 420 in place, this unnecessary censorship may be avoided and the truth can finally be presented through well-researched student-written publications to the public."

Journalism adviser Christy Briggs, a teacher at Reno (Nevada) High School, also testified in favor of SB 420 and said both students and advisers feel hindered and fear repercussions if they question the system.

"This bill will give us more freedom and ability for kids to question systems without an administrator saying the students are questioning them or their policies," Briggs told lawmakers. "Most kids are not publishing writing to instigate fights or protests. Instead, they are doing critical analyses and evaluations of the governing systems. The important part of this is that if we do not teach kids in high school that they have a voice that can be used factually and responsibly, then we are teaching them that when they go out into the world, they should be accepting systems and not questioning them factually and unbiasedly. I have submitted my letter of support."

Briggs' editor, Atley Weems, made a strong pitch in favor of SB 420. She said in her journalism class, she learned how to write about controversial issues, politics, suicide and other topics readers would not see in their student publication.

"If you limit student speech based on pedagogical concerns, you are limiting them on very subjective terms," Weems said. "This would not only limit their speech, but it would limit their active participation in their communities."

Another journalism and yearbook adviser, Clark County teacher Cassandra Workman, said SB 420 will allow students to have a voice and allow achievers (like her and Briggs) to address issues with facts, not opinions. She cited how students are using social media to disseminate opinions, and advisers have no control over that.

"We do have school newspapers, though, and as advisers, our job is to teach them how to report facts while including comments from the administration and getting expert opinions, which allows these student journalists to report an issue fairly from both sides," she said at the Assembly Education Committee hearing. "This is not a chance for them to rant; it is a chance for them to report equally and fairly and to not be afraid to challenge those issues they find need challenging at the school level.

Testing New Voices

Nevada's New Voices legislation, though, faced its first test in January. A proposed Washoe County School District regulation would censor what students could publish in yearbooks, but according to the language of SB 420, the proposal, said students and the state's journalists, violated Nevada's New Voices legislation that protects students' First Amendment rights.

The new regulation, which was wrapped in a larger policy regarding club sports in the district, would bar student-run yearbooks from publishing the photos of club athletes - students who might be involved in a high school lacrosse team that isn't sanctioned by the Nevada Interscholastic Activities Association, for example.

The district said including the photos of club athletes in the yearbook gives the perception that club sports are district-affiliated and opens WCSD up to "liability issues." But student free speech watchdogs said the proposed regulation is censorship that treads on the new Nevada law. The clubs have also, at least in the past, had their athletes' pictures published in yearbooks. The district felt it had the authority to put an end to this.

The SPLC, the International Society of Weekly Newspaper Editors (ISWNE), and the Nevada Press Association (NPA), which includes every Nevada nondaily newspaper, pushed back, resulting in Washoe County foregoing the proposal.

During the last legislative session, the NPA and ISWNE advocated for the passage of the law, which explicitly prohibits school district's "restrictions on the publication of any content in a pupil publication." The only time the new law allows a school district to censor a student publication is for content that would "substantially disrupt" the educational mission of a school.

Lisa Scurry, Washoe County's policy coordinator, tried to make a distinction between student newspapers and yearbooks to the school board. She told trustees the district did not think that yearbooks were protected under the new law; furthermore, Scurry told the board that she'd worked with district legal staff to conclude that the content of yearbooks could be dictated by the district.

"The consensus was a yearbook isn't really a journalistic enterprise, which is what that Senate bill that was referenced speaks to," Scurry told the board, referring to the New Voices law. "That Senate bill, the way we interpreted it ... was more for journalistic enterprises like school newspaper or things that students are publishing versus a yearbook, which is really – to my understanding anyway – outlined by the school."

Mike Hiestand, senior legal consultant for the SPLC, told the *Reno Gazette-Journal* the proposal was ludicrous.

"Yearbook is every bit as much a journalistic enterprise as a student newspaper or other student media," Hiestand said.

NPA Executive Director Barry Smith said the new law is designed to protect students and student publications.

"I'm wondering if they even read (the bill)," Smith said of Scurry, the Washoe County policy coordinator, and the district's legal counsel.

Steve Ranson is LVN's *editor emeritus, past president of the Nevada Press Association and current president of the International Society of Weekly Newspaper Editors.*

What part of state law don't you understand?

Yearbook is similar to newspaper, Nevada law says

By STEVE RANSON

FALLON, Nevada – During the 2017 legislative session, lawmakers in bipartisan fashion from both the Nevada Assembly and Senate passed Senate Bill 420. This New Voices legislation, which has been passed and adopted in 14 states, provides relief from one of the worst decisions the U.S. Supreme Court has made against freedom of the press and First Amendment rights.

In the Jan. 13, 1988, U.S. Supreme Court decision of Hazelwood School District v. Kuhlmeier, school administrators gained the right to remove news they consider unacceptable. In its ruling, SCOTUS said students' First Amendment rights were not being violated because a school newspaper is a learning tool.

Hazelwood v. Kuhlmeier weakened a decision rendered in the late 1960s regarding student rights. In Tinker v. Des Moines, SCOTUS ruled 7-2 that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

In essence, two opinions contradicted each other.

With New Voices now part of Nevada law to shield student journalists from unnecessary censorship, the Washoe County School District, however, is thumbing its nose at the law by proposing to regulate yearbooks which, according to the district's policy coordinator, are not protected. Either Lisa Scurry, the district's policy coordinator, is misguided or lacks basic knowledge of the print world, but her assumption that a yearbook doesn't come under the new law is erroneous and misguided.

According to the *Reno Gazette Journal*, "Scurry told the board that she'd worked with district legal staff to conclude that the content of yearbooks could be dictated by the district."

State Senator Nicole Cannizzaro of Las Vegas, who works for the Clark County District Attorney's office, and Dr. Patrick File, an expert in media law at the University of Nevada, Reno, dedicated hours to crafting a bill that would eliminate the censor-happy heavy hands of school administrators to remove material they deemed unacceptable but not disruptive. Likewise, the senior legal consultant for the Student Law Press Center (SPLC) in Washington, D.C., Mike Hiestand, weighed in and called WCSD's decision to control a yearbook's content "absolutely ridiculous... Yearbook is every bit as much a journalistic enterprise as a student newspaper or other student media."

Both the International Society of Weekly Newspaper Editors and the Nevada Press Association, which includes every nondaily newspaper in Nevada, supported SB 420 but do not support WCSD in its current move to "control" yearbooks.

I would guarantee the legal expertise shown by Cannizzaro, File, Hiestand, and the press associations on this matter far outshines that of Scurry and the Washoe County School District's legal team. Based on previous history, the ACLU and SPLC could challenge this decision, if passed, and tie up the school district in court, costing taxpayers thousands of dollars.

Furthermore, school district representatives from both Clark and Washoe counties offered their support for SB 420 in testimony given before the Assembly's and Senate's education committee. Why is WCSD acting hypocritical almost eight months after Gov. Brian Sandoval signed New Voices into law?

As part of the team to introduce the New Voices legislation, I question WCSD's transparency in trying to circumvent the law to their own liking and twisting it to Big Brother control.

Chapter 3 of Nevada Revised Statue 388.077 delineates the responsibility of school districts:

"Section 1 of this bill requires the board of trustees of each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils to adopt a written policy for pupil publications which: (1) establishes reasonable provisions governing the time, place and manner for the distribution of those publications; (2) protects the right of expression for pupils working on those publications as journalists; (3) prohibits restrictions on the publication of any content in a pupil publication unless the content would substantially disrupt the performance of the school's educational mission."

Scurry and WCSD appear to be confused on a yearbook's intent to chronicle information like a newspaper, which is leading to a WCSD decision to remove club sports that are not sanctioned by the Nevada Interscholastic Activities Association. This would involve sports such as rodeo, archery, and lacrosse, which include more than 600 WCSD students. If this isn't censorship, WCSD, what is? Yet, yearbooks at many Nevada high schools outside Washoe County feature non-NIAA sports in their pages.

Again, the *RGJ* quotes Scurry: "That Senate bill, the way we interpreted it ... was more for journalistic enterprises like school newspaper or things that students are publishing versus a yearbook, which is really – to my understanding anyway – outlined by the school."

Scurry, though, has terribly misinterpreted the intent of SB 420. WCSD trustees can put an end to this charade and resolve this ignorance by doing the following:

- Drop the notion that a yearbook is not a student publication. It is.
- Save the district unnecessary expenditure on legal bills and court costs.
- Support student-journalists' First Amendment rights.
- Offer remedial classes in linguistics and comprehension to anyone in the WCSD who struggles with specific wording of the Nevada law governing student journalists and their rights.

There's a reason for New Voices legislation: Scurry and the WCSD legal team's intent to censor yearbooks just proved why the law was passed in 2017.

Steve Ranson is LVN's *editor emeritus, past president of the Nevada Press Association and current president of the International Society of Weekly Newspaper Editors. He is also a Reno High School graduate.*

Q&A: Patrick File talks Nevada's 'now or never moment' with passing a New Voices law

This column was originally published on Sept. 1, 2017, on the SPLC website: http://www.splc.org/blog/splc/2017/09/0901patrickfile

By DANIELLE DIETERICH

In June, Nevada became the next state to pass "New Voices" legislation designed to give specific protections for student journalists. Where other states have struggled for years to get this type of law passed, the entire process took a matter of months in Nevada.

The law did go into effect on Oct. 1 and provides stronger First Amendment protections for students in both public high schools and universities. Patrick File is an assistant professor of media law at University of Nevada, Reno's journalism school. Also a former intern and longtime supporter of the SPLC, he was recruited from that connection to help lead the push for a New Voices law.

Here's what File had to say about his experience getting this legislation proposed, sponsored and passed so quickly.

Note from the SPLC: This interview has been edited for clarity and length.

Can you talk about how you personally got involved in the New Voices movement?

PF: I think my involvement started the way a lot of folks have, in these kind of recent efforts, where I got a call from [former SPLC Executive Director] Frank LoMonte back in... I wanna say, April of 2016. He said this is something that had been beginning to sweep the nation with North Dakota and then Maryland. There seems to be some momentum building behind the New Voices effort and I came to his mind as someone who's been a supporter of the Student Press Law Center and as somebody in a state where he thought we had a pretty good chance of pursuing this legislation. So he reached out to me, as well as to some other people in the state that he knew through the Journalism Education Association and through the SPLC's volunteer attorney network and we started building a bit of a coalition of folks looking into this and seeking a sponsor, and looking toward the 2017 legislative session to see if we could get a bill passed.

The bill was sponsored by a Democratic senator. Was there bipartisan support? Did you have any kind of party influence with how this was received?

PF: We reached out to folks on both sides of the aisle. I would say overall we've probably contacted about six or seven legislators, both members of the Assembly and then members of the Senate, initially. I'm not sure how unique this is, but in Nevada, legislators are limited to the number of bills they can propose before the session. So we were kind of competing with other issues and with other interested parties on other bills, so some folks had to come back to us and say, "This is something that I'd vote for and something I would support, however I've already committed to my maximum number of bills."

PATRICK FILE

So that was something that was a little bit of a struggle and forced us to get right out in front of the issue before the session started, which was probably a good thing. But we were pretty confident really early on that student free speech and student free press were issues that are bipartisan in nature and are not something that is necessarily a Democratic issue or a Republican issue, so reflecting that, we reached out to people on all sides of the aisle.

Steven Bates is a professor of media law at the journalism school of UNLV and he had a few connections through some of the time he'd spent with the ACLU and with a couple of other legislative types of efforts in state government and he was able to connect us to Senator [Nicole] Cannizzaro a few weeks before the session started. She was an active high school debate participant and somebody who felt like she had benefited from extracurricular activities at school that had benefitted from freedom of speech and the opportunity to address controversial issues and deal with the issues of the day and kind of provide student perspectives on those things. She was a new senator and really felt like she could really contribute to bettering our schools statewide and so she was really enthusiastic about it from the get-go and we were obviously happy for that.

It sounds like you guys working on this didn't have a ton of prep or official backing and support initially and you kind of just hit the ground running. Can you talk about what it was like to spearhead this?

PF: It basically just comes down to coalition building. We have a very short legislative session that begins in February and ends in June. So it really is just a sprint, and you're kind of running around trying to find folks that you think would be supportive of the idea and supportive of the bill and you get them to sign on and offer their support in the form of a letter or some testimony.

Right away, probably the most crucial player in all of it was the Nevada Press Association. In many cases, the people that are working on these New Voices bills don't have a lot of experience, and that was the case for me. I hadn't worked on any kind of legislative effort before and so I was really leaning on Barry Smith and the Nevada Press Association for their expertise and their guidance on how to share information, who to seek out to talk to and how to build this coalition. The state Journalism Education Association provided some help in the form of email blasts and trying to get advis-

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ers on board and encourage advisers interested in getting involved, perhaps getting students involved. We had several students come down to Carson City and testify in favor of the bill.

It's a reminder of that quote, "Why a small group of dedicated individuals can make change in democracy is partly because it's the only thing that ever has." I remember that quote from "The West Wing", but it might actually come from somewhere else. We had a dedicated core of people like Barry Smith from the Nevada Press Association and Steve Ranson, who was a triple threat for us as a newspaper editor and a Nevada Press Association president and president of the International Association of Weekly Newspaper Editors as well as a former student media adviser. He was all of that in one person to come and say, "I've got this expertise and I've got this experience and I think that everybody should support this bill." We had a handful of high school newspaper and yearbook advisers north and south that jumped on board and tried to get the word out and get their students involved. That core of people kind of connected us into a wider network of folks.

I think that we timed some of our communication about the issue pretty well. I tried to avoid bombarding people who were interested but not fully engaged with the issue with information. There's a website where you can post comments once a bill has been proposed to the legislature and I think we got a good critical mass of people to voice their support of the bill in the right moment. I would argue that eased fears that some legislators might have had but also gave legislators who weren't fully aware of what the bill was all about some confidence that their constituents favored it and it was something they could safely vote in favor of and safely support knowing that their constituents were on their side.

You described this as a sprint and it sounds like this was a very fast process. What was that like?

PF: Again, Barry Smith sort of laid this all out for me. I believe the session started on Feb. 2 and ran through June 2 ... it's like 120 days. We had a really, really tight time frame. It was a drawback because it was like you have this amount of time to get your sponsor and to get your bill on and the legislature can only hear so many bills in so much time. But I think in some ways it was a benefit, because it's this big expenditure of energy, this big burst all at once rather than this sort of ongoing effort trying to keep people interested, keep people engaged. So I would say it had as many positive sides as it did negative sides, the fact that we have such a quick session.

The other thing is there's this sense of urgency around it too. Our legislature only meets every two years so if we didn't get it done by June of 2017, we were gonna have to wait until effectively June of 2019. It was kind of a now or never moment in the broader context of the role of engaged citizenship and truthful, accurate, responsible journalism and the role of that in a democracy. That certainly helps this be kind of a front burner issue for a lot of our constituents as well as the legislators.

Going back to that idea of timing, why do you think nationally the rate of these bills coming through has increased and we're seeing a lot more focus on this issue? What is it about this moment that's making that happen?

PF: At the end of the day – the president's ire for the press notwithstanding – people can appreciate the value and the need and are thinking about good, responsible journalism in a democratic society. At the same time, I think folks are concerned about the issue of free speech on high school and college campuses and whether or not we're having a full and frank exchange of a variety of views on campus. I think this is something that's effectively bipartisan. You're as likely to face challenges for having conservative viewpoints on your campus as you are for having liberal ones. That's something a lot of kids are bringing home from school and students are talking about on campus so it's making its way to the statehouses that way. It's one of the defining issues of our time – a sort of this overlay of our rancorous sound bite-based politics that I don't think anybody is all that happy with these days.

One of the things we're saying is if we need a better journalism in our democracy, we need to make sure we're affording students the opportunity to learn about media literacy, engaged citizenship and if students don't have robust First Amendment rights they're not going to be able to do that and our democracy ultimately suffers.

Let me take a step back and ask you more generally, why do you personally think that having these specific protections for student journalists is so important?

PF: I have a fundamental, vested interest as someone who studies the First Amendment and then somebody who works at a journalism school in the connection between freedom of speech, freedom of the press and good journalism that serves a healthy democracy. I see, on a very personal level, in my classroom, sometimes very fundamental misunderstandings of how the First Amendment works and how freedom of the press works. When some students from public schools in Nevada come to my classroom and we have to do a lot of backfilling, and a lot of review, and a lot of "here's the basics of how the First Amendment works." Ultimately, I hope I'm doing a good job of straightening students out or fill them in where they might be missing some things but I can tell you that a lot of my students are also from California, a state where they've had anti-Hazelwood, New Voices type of protections for decades.

My Nevada students will come into my class and talk about the ways in which they've been chilled or silenced or censored in the classroom and the California students are kind of baffled by that. They'll say "What are the schools afraid of? We had a very robust student media at my school – they talk about all kinds of controversial issues and it didn't result in fights breaking out and people going home bullied or having been exposed to ideas they shouldn't have been exposed to and I feel like it contributed to me having a good education."

That's something I've noticed in my own classroom and hopefully the New Voices law in Nevada will help correct for that. It's not as though we're some sort of First Amendment wasteland. If you look at the media law landscape of Nevada, I would say that the lack of the New Voices type of protection was really kind of an exception to an overall rule of a state and a political realm that really appreciates the value of

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free speech, the value of the First Amendment, the value of a robust and well protected press with things like a really strong shield law and generally pretty good open records laws – there's always room for improvement there – but things like that. That's part of why it was an easy sell here as well. Parents of students in Nevada schools can appreciate the value of and the need for a robust protection for students' free speech rights.

What would you tell other people who are interested in passing this sort of legislation in their own states?

PF: Every state where this has happened, it has taken a relatively small core of dedicated people to get it done. At times, it feels like it's a lot of work or feels sort of frustrating. Finding not necessarily a lot of people to support you, which of course would have been great, but it was just as important to find the dedicated people who could really see the value in this and were willing to put in the time writing long emails or talking with a legislator or to go to a legislative session or hearing and testify. It took a little while for us to find those people or for those people to find us. Ultimately it wasn't so much this critical mass of students marching shoulder to shoulder into the statehouse as much as it was finding the people who saw the value in this and were willing to put their shoulder to the wheel a bit on it and help out in that capacity. When the going gets tough, keep in mind that you don't need a huge group of people to get this done. You find your dedicated few and those are the people that can get this done.

Then I think you start to see the appreciation come out from corners you weren't hearing from before. High school newspaper and yearbook advisers are busy people and, in some cases, you're dealing with states where they're somewhat fearful of sticking their neck out, so that's something that's totally understandable. That's why people like newspaper editors and press associations can be really helpful because they're the people who are frequently sticking their neck out on these kind of issues and, at the same time, can totally see the value in better protections for student journalists.

Patrick File is an assistant professor of media law at The Reynolds School, the University of Nevada, Reno's journalism school. He is a former Student Press Law Center intern.

Why I testified at the state capitol

By MADISON MORGAN

Editor's note: A version of this article was published on March 6, 2018, in The Tomatalk, *at www.Tomatalk.com*

OLYMPIA, Washington – "Why are we censoring students who want to write about change and give the voiceless a voice," I asked. "Why are we undermining their efforts to make the world a better place?"

I exhaled the breath I had been holding, and looked up from the speech I prepared.

A week earlier, I received the email asking me to speak in front of the House Judiciary Committee of the Washington State Legislature on the importance of student press rights. My goal was to convince committee members to approve the proposed legislation.

And now here I was. Doing exactly that.

This year, members of the House were trying to pass SB 5064, a Senate bill that would give student media throughout the state their full First Amendment rights, and protect them from censorship by school administrations.

"After so many years of trying to pass this legislation, Washington now guarantees that students can practice their First Amendment right to press freedom in their public schools," said Kathy Schrier, the executive director of the Washington Journalism Educators Association (WJEA). "If we are going to promote civic engagement in our schools, it is essential that students learn to practice and respect the right to a free press. This bill encourages civic engagement and promotes critical thinking."

During the 2015 and 2016 legislative sessions, a similar Senate bill (SB 6233) was drafted and presented, but it never made it out of that chamber.

At that time, I was just a fledgling reporter. Like other student journalists across the state, I followed SB 6233 closely and was disappointed when the Senate voted it down.

MADISON MORGAN

But now it was my chance. Having been in the Kamiakin journalism program for three years, I had learned just how important student press rights were.

"Now, more than ever, student journalists need their full First Amendment rights," I said.

I had seen students with a love of journalism become discouraged when they were told they couldn't write about the things they truly cared about. I had seen student journalists choose not to publish stories because they feared the consequences their stories would have. I had seen the hostility directed at Kamiakin journalism students from school administration.

But I also saw the importance of breaking past that. The articles people fear the most to publish can also be the stories that can help to change things for the better.

And that's exactly what I said.

I asked the committee members how they could justify censored student media, when years from now, those same students would be the next generation of professional journalists. I asked them how they could censor their good intentions, and their desires to change the world for the better.

Finally, after passing through the Senate and the House, the bill made its way to the governor's desk. On March 21 at 11 am, Gov. Jay Inslee (D) signed SB5064 into law.

Madison Morgan, a senior at Kamiakin High School in Kennewick, Washington, is co-editor in chief of the school newspaper, The Tomatalk.

Washington becomes 14th state to pass New Voices law

Editor's note: A version of this article appeared in the April 2018 edition of Whatcom Watch.

By JENNIFER KARCHMER

OLYMPIA, Washington – Washington state took a step last month to protect student journalists and their free speech rights. On March 21, Gov. Jay Inslee (D) signed into law a bill that states student journalists should be free from school censorship as long as their reporting is not libelous, illegal or invading anyone's privacy.

Dana Smith, an English teacher who advises the school newspaper at Sehome High School in Bellingham, Washington, was thrilled to hear of the bill's passage, especially with bipartisan support.

"Learning to ethically exercise one's First Amendment rights isn't a liberal or a conservative value – it's an American value," said Smith, a certified journalism educator (CJE) with the Washington Journalism Education Association (WJEA).

On March 2, the bill passed in the state House by a vote of 91 to 6; on March 5, the bill passed in the state Senate by a vote of 45 to 4.

With the governor's signing, the Evergreen State joined 13 other states that have New Voices legislation, modeled after a North Dakota law that was approved in 2015 with unanimous bipartisan support. Washington state's law, which makes high school and college editors responsible for content in the school newspaper, yearbook and other media, also provides legal protections for faculty advisers and journalism teachers.

ISWNE member Peggy Watt, an associate professor of journalism at Western Washington University in Bellingham, has followed the bill for many years, testifying in support at the state capitol. She called the law a "vote of confidence in student journalists and their advisers."

In some cases, journalism teachers fear for their jobs in retaliation for overseeing the publishing of controversial topics, so New Voices "recognizes the role of good advising while protecting both faculty and students," added Watt, who is also a media law instructor.

Years in the making

After gaining momentum and then stalling several times, the bill had finally gotten a boost from the primary sponsor, state Sen. Joe Fain (R–Auburn, Washington). Fain visited high school journalism students in his district, who convinced him of the importance of student press freedoms by showing him how reporters work and produce news stories. Fain subsequently co-sponsored SB5064, "an act relating to the freedom of expression rights of students at public schools and institutions of higher education," which the governor signed in March.

But it would be inaccurate to say that it took Washington state only two years to pass a New Voices law. Press freedom advocate Fern Valentine remembers stomping for students' rights all the way back in 1992 – just around the time she was retiring, after close to 20 years as a journalism adviser and instructor at Auburn High School in Auburn, Washington.

JENNIFER KARCHMER

"I am simply overjoyed," she said last month in Olympia after attending the governor's signing. In between jokes about taking the bill off her bucket list, she said students are in need of New Voices. "I think it is particularly important today that students learn firsthand the process of presenting the news in a legal and ethical way while covering stories of particular interest to their audience," she said.

Another loyal supporter of New Voices, Seattle native Brian Schraum, has been following Washington state's effort for more than a decade. Today, he serves as the digital communications coordinator in the School of Human Evolution and Social Change at Arizona State University. Years ago as an undergrad, he was sitting at a computer in his dorm at Washington State University, sending emails to legislators pushing them to support the bill.

"The 1992 bill stalled until we picked things back up in late 2006 and early 2007," Schraum said.

Schraum has a unique vantage point to New Voices in that he's approached the legislation wearing many different hats: student editor, college writing instructor, student media adviser (Green River College's newspaper, The Current), and fellow at the Student Press Law Center (SPLC). While living and working in the nation's capital in 2010, he caught the "media law" bug – fascinated with legislation and how it moves (however slowly) to final passage.

"Free expression is not about making decisions around the quality of the story or the topic or the concept," Schraum said in a recent interview. "The government doesn't get to dictate what you write or how you think."

Fourteen and counting

Back at the nation's capital on March 21, SPLC staff members cheered as they added Washington to its list of states with New Voices laws – 14 total to date (the 13 other states are: Arkansas, California, Colorado, Illinois, Iowa, Kansas, Maryland, Massachusetts, Nevada, North Dakota, Oregon, Rhode Island and Vermont). It was welcome, especially after Indiana's version (HB1016) recently got shot down in the House on Feb. 5. The bill lacked four votes to go to the Senate.

The tally is news at the SPLC because the nonprofit has been backing students' rights since 1974. More recently, the

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SPLC introduced the New Voices movement in 2015 in conjunction with North Dakota's John Wall New Voices Act. Former SPLC Executive Director Frank LoMonte was instrumental in getting New Voices off the ground.

"The idea that a powerful government agency, like a school or university, can tell you [that] you are forbidden from criticizing the quality of the institution that you are receiving from this agency, should be utterly and completely beyond the pale," said LoMonte, who is now the director of the Joseph L. Brechner Center for Freedom of Information at the University of Florida in Gainesville's College of Journalism and Communications. "It should be out of the question that any institution can do this," added LoMonte, an attorney, who serves as the SPLC Senior Legal Fellow.

Every year, attorneys at the SPLC field close to 2,500 calls from student editors, advisers and others facing censorship. Simply put, that's at least a half dozen calls every day.

In fact, calls to the legal hotline increased by about 350 percent in the 15 years after the U.S. Supreme Court decided the landmark Hazelwood v. Kuhlmeier case. Students were contacting the SPLC to report that their principal was pulling a story, administrators were controlling the headlines, or that they were in some way being restricted in the stories they choose to cover.

In February 2017, the National Council of Teachers of English (NCTE) passed a resolution urging state legislators to make more laws protecting student speech. As further evidence that Hazelwood has been detrimental to the health of a school newspaper, the NCTE said in a position statement, "administrators often go far beyond 'legitimate pedagogical concerns' when it comes to censorship..." "Only through learning to make their own content decisions do students become better writers, thinkers, and doers," the NCTE statement went on to say.

Passing the baton

Now that Washington has a show of support for student journalists, the question remains: are young reporters ready to exercise their free speech rights?

Thankfully, the answer seems to be yes, as we see students stepping up to the plate.

"I want to go into journalism because I feel like that's where I can best make a difference," said Madison Morgan, a high school student from Kennewick, Washington. "Journalism can never be dead. You always need journalists [in a democracy]."

Along with classmate Taylor Hunzeker, Morgan serves as co-editor-in-chief of "*Tomatalk*," Kamiakin High School's newspaper. In February, she took a day off from school to drive four hours (with her parents) to Olympia. Morgan joined at least a dozen fellow press freedom advocates to speak in favor of SB5064.

"Now more than ever, student journalists need their full First Amendment rights," Morgan said in her prepared statement to members of the House Judiciary Committee on Feb. 14. "We live in a country that values press so much that we have an amendment in the constitution protecting it. Why are we censoring the next generation of journalists?"

With the law planned to go into effect on June 6, administrators, teachers, advisers, and students are preparing to educate themselves on the policy. Dr. Susan Enfield, superintendent of Highline Public Schools in Burien, Washington, a strong supporter who was attending the governor's signing in March, said she will work with the WJEA to raise awareness of New Voices.

"[Students] need to learn that words have consequences... and an impact. Denying them their right to freedom of the press is foolish and it does more harm than good," Enfield said in a recent interview, when the bill was moving through chamber committees.

Jennifer Karchmer is an independent journalist who covers freedom of the press and First Amendment issues. Read more at: www.jenniferkarchmer.com

"We need young people to be asking hard questions and to be holding power accountable in the best possible ways ..." **– Hadar Harris, SPLC Executive Director**

For background, in Hazelwood, the Court decided in favor of administrators at Hazelwood East High School in Missouri, who insisted that principals and others "in charge" should have the right to approve or nix stories in school newspapers, yearbooks, and other student-sponsored media.

Interestingly, the Hazelwood decision eroded the rights students had been afforded years prior in Tinker v. Des Moines (1969). In that similarly significant case, the high court ruled in favor of students who wore black armbands to school to show their protest to the U.S. government's handling of the Vietnam War.

So today, free press advocates contend that Hazelwood has negatively affected student media, even having a chilling effect on student editors covering potentially controversial stories. To bring awareness to censorship and the 30th anniversary of the case (Hazelwood was decided on Jan. 13, 1988), the SPLC launched a "Hazelwood Day of Action" on Jan. 31. Using the social media hashtag #CureHazelwood, the SPLC kicked off a variety of activities, including a Facebook Live event with guest speakers.

"We need young people to be asking hard questions and to be holding power accountable in the best possible ways," said Hadar Harris, a human rights attorney and nonprofit manager who took over as SPLC's executive director in 2017. Other speakers included Mary Beth and John Tinker, two of the students in the 1969 Tinker case, and Cathy Kuhlmeier Frey, the student in the Hazelwood case.

How New Voices can get started in your state

"Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance." **– Robert Kennedy**

"I alone cannot change the world, but I can cast a stone across the waters to create many ripples." **– Mother Teresa**

By ROBERT BERGLAND

ST. JOSEPH, Missouri – The Hazelwood v. Kuhlmeier Supreme Court decision created a tidal wave that washed away the student freedom of the press rights that journalism educators thought were guaranteed in the 1969 Tinker case.

With that one decision in 1988, the Supreme Court transformed high school journalism education across the United States. Many school administrators (mistakenly) interpreted the decision as giving them carte blanche to censor the student newspaper. While some administrators – and a few states – recognized the importance of maintaining students' First Amendment rights, the Hazelwood case had the effect of essentially turning many high school journalism programs into high school public relations programs. Image-conscious administrators threatened media advisers and student editors, and controversial content or content that cast the school in a less-than-positive light was either never published or never even written in the first place.

The 2005 Hosty v. Carter case, which applied the Hazelwood case to post-secondary institutions, has not only impacted colleges in those 7th Circuit states (Indiana, Illinois and Wisconsin) but has made college journalists across the country fear that they, too, could lose their rights.

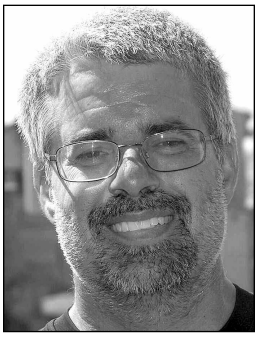
But, 25 years after that Hazelwood tidal wave, a small ripple started in a small class at a small university in North Dakota. Students in a 2013 "Civic and Citizen Journalism" class at the University of Jamestown (equidistant between Bismarck and Fargo) chose a unique project for their capstone paper: authoring an anti-Hazelwood bill in their state.

That bill, which they named the John Wall New Voices Act after a state legislator and journalism educator, passed in the spring of 2015. And, like the ripple in the quotes from Kennedy, Mother Teresa and the Dalai Lama, that ripple started a movement of change.

The ripple from North Dakota reached Missouri in the fall of 2015, when Steve Listopad, the teacher of that University of Jamestown class, and another teacher and two students who testified at legislative hearings spoke about the bill at the Walter Cronkite Conference on Media Ethics and Integrity at Missouri Western State University in St. Joseph.

They ended their presentation with a challenge: Go forth and make a New Voices bill in your state.

So, that is what we did. We contacted a Missouri Western alumnus who was a state representative, and he filed a bill based on the language in the North Dakota bill.



ROBERT BERGLAND

With the support of the Missouri Press Association and the help of 2015 High School Journalism Educator of the Year Mitch Eden and his students, we arranged testimony at committee meetings, traveling five hours or more to speak for five minutes. We enlisted Cathy Kuhlmeier Frey, the plaintiff in the Hazelwood v. Kuhlmeier case, to share her story of being censored. We pulled in Tim Tai, the photojournalist at the heart of the Melissa Click controversy at the University of Missouri. Frank LoMonte, the then-executive director of the Student Press Law Center (SPLC), flew in from Washington, D.C., to testify. The bill sailed through the House committees and then the House, passed the Senate Education Committee unanimously, but then never got brought up for a Senate floor vote – most likely the result of being killed behind the scenes.

We had thought about giving up after the failure in the 2016 legislative session. But, the ripple from North Dakota had spread to other states, and we were emboldened by the successes in Maryland and neighboring Illinois. The ripple also led to a New Voices summit at Kent State University in Ohio, where strategies and bill language changes were discussed. Following that summit, we were re-energized and so we reworked the bill to accommodate concerns voiced by the lobbyists from the Missouri teachers' and administrators' organizations. The 2017 bill passed the full House and was on the calendar for a vote, and only dysfunction in the Senate in the final days of the session prevented it from getting a vote. This year, the bill has already passed the House and as of this writing, had a Senate Education Committee hearing scheduled for March 27. With six weeks left in the session, we are confident that the bill will get a full Senate vote, pass and be signed by the governor – hopefully in the Cronkite Memorial on Missouri Western's campus, just feet away from where the ripple from North Dakota created the ripple in Missouri. We can only hope that the ripple from Missouri, the home of the Hazelwood case, will reach the other states that do not yet have New Voices legislation on the books.

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For me, there are many reasons to enact such legislation. First and foremost, students should have these First Amendment rights. The Hazelwood case was an abomination that has been harmful to our democracy. If we want our youth to vote, to be civically engaged, to be knowledgeable and passionate members of our society, then we need to have them exercising their rights in high school. When they are trained not to question authority, when they are trained to be PR hacks and tools of the administration to promote the agenda of those in power, we are not preparing them to be citizens in a democracy.

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Students: Stand up to censorship

By TAYLOR POTTER

WASHINGTON, D.C. – When I was a high school student in Texas, censorship was a common practice at my newspaper where I was editor. Every few weeks, I would hear from my adviser that the principal had an issue with something I wrote. My staff was told we could not cover certain issues, weeks before we actually wrote a story. My principal told me to replace some of his quotes with a statement he emailed me, as he thought the quote made him sound dumb. I was once told I could not call a fight during a football game a "bench-clearing brawl," despite all benches being empty and dozens of players throwing punches on the field.

I was asked to do things that would get me fired at any professional media organization. Our principal – or anyone in our school's administration – had no experience with media or the First Amendment. It did not matter that he was asking us to violate basic ethical policies. His word was law. I'm not proud to admit it, but as a high school journalist, I eventually just went along with it.

That is not to say I went quietly. I knew the law and my rights, and I was not afraid to let the administration know. But even though I argued and fought every step of the way, I never took on the system that suppressed the voices of young people across the nation. I took it as an inevitability. It was part of the process. I knew there were a few states – seven when I was in high school – that had passed anti-Hazelwood laws, but I figured there was no way I could ever change things in a state like Texas.

I did not have the courage to take on a state legislature. I did not have the power to convince politicians to vote in my favor. Most importantly, I did not have the strength to fight a battle that could not be won.

Reflection

Five years later, I've realized how wrong I was. Almost every day, I get to sit at my desk and watch incredible teenagers from across the country go in front of legislators and fight for their rights through New Voices legislation.

As of March 2018, 14 states have passed New Voices legislation, and several others have active campaigns. The actual laws and bills vary from state to state, but the idea is the same – basic freedom of press rights for student journalists and protections for advisers who oversee them.

Over the course of the last several months, I've watched dozens of students from all over the country speak up and testify in support of these bills. These teenagers stand in front of daunting committees and make their arguments clearly and passionately. They talk about their experiences with censorship and the negative effects it imposes on their budding journalism careers. And they do this all in the face of heavy opposition, particularly from principals and school board associations.

These students remain strong in the face of their opposition, even when votes don't go their way.

Three legislatures have already voted down New Voices bills in 2018 – Indiana, South Dakota and Nebraska. But none of the students I spoke with in the aftermath sounded disheartened or acted as though the work was not worth it.

No, they were determined. They said they would be back next year.

TAYLOR POTTER

Some of the students will never actually get to reap the rewards they worked so hard for (Washington's bill had been in the works for more than a decade, for example), and they know it. But they're glad to be working for future generations of student journalists.

Poise and passion

It's been an incredible experience getting to watch these students in action, especially as other teenage leaders have emerged and captured the nation's interest in the wake of the Parkland shooting. Long before the students of Marjory Stoneman Douglas High School were recognized as the new generation of activist icons, these young First Amendment advocates were taking on legislators and arguing for the right to do their jobs and to educate others. And they do it with a poise and a passion and an authority that is rare to see in a state legislature.

Even with 2018 being a difficult year for New Voices thus far, the student advocates have certainly kept the spark of hope alive for myself and other supporters. They know that the work is not in vain and that, eventually, it will pay off. These students are in it for the long haul, and they are not easily deterred from their course, even by the infuriating nature of state politics. As long as these students keep fighting, I am confident that we'll see New Voices legislation in every state.

Watching these students fills me with pride and optimism, but it also makes me sad and angry. I'm sad that I was not like these students in high school, that I let my spirit be broken so easily by school administrators. I'm angry that I was content to be censored – and to censor myself in many cases – rather than to fight these rules that stripped away my freedom to express myself. These students are far braver, more powerful and stronger than I was. Even if every piece of New Voices legislation fails this year, the campaign was still important, as it revealed to the world that these high school students were willing to fight for their rights.

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Idaho teachers want New Voices, survey shows

By REBECCA TALLENT and KATIE BLEVINS

MOSCOW, Idaho – New Voices originally came from a conservative, rural, red state; but might other similar states also need or want the legislation?

This was the question two researchers from the University of Idaho sought to discover after a state legislator said no legislation could be considered unless a need is shown in the state. A recent survey of Idaho high school journalism teachers showed teachers want New Voices legislation by an overwhelming 76 percent.

Starting in 2017, University of Idaho journalism professors Katie Blevins and Rebecca Tallent received responses from 25 of Idaho's 99 high school journalism teachers and advisers involved in student media. The vast majority, 76 percent, said the Hazelwood standard negatively affects how they teach journalism. Generally, Hazelwood has directly changed what stories they cover and print, with administrations taking a strong hand in determining student press content. Teachers said administrators quickly disqualify some potential stories due to controversy (such as, "take a knee").

Other teachers said they do not even bother with topics they know will be dismissed by administrators.

Advisers said this has led to tailoring content to administrative preference. One teacher said Hazelwood "makes me consider every story in terms of what administrators might dislike. It narrows the scope of coverage." Student journalists learn from this behavior and the teachers said the Hazelwood standard "leads to self-censorship & fear of retribution for covering controversial topics."

Some of the other answers showed:

Sixty-eight percent of the respondents said the Hazelwood decision restricts what content goes into their student media.

Sixty-four percent of the respondents said the Hazelwood decision diminishes the learning outcomes for their students.

Fifty-six percent said it was administration who had final say over all press content, 32 percent said it was the media advisor, 12 percent said the student editor had the final word and 16 percent said "other," which included the school's technical staff.

While some administrators respect the autonomy of student publications, the majority punishes teachers for bringing forth controversial topics and articles.

Seventy-two percent of teachers expressed some fear of being reprimanded by administrators for the students' work: 41 percent said they are somewhat afraid, 17 percent said they are afraid and 17 percent said they are very afraid.

It is important to realize in a rural state like Idaho, journalism advisers generally have very little training or support.

Since there is no certificate for journalism, the majority are English teachers who may have possibly taken one journalism undergraduate college course. Few have a deep understanding of journalistic practices or protections. They are also operating under administrators with similar constraints.

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Few principals understand what rights a student press has, and many are under immense pressure to avoid any public embarrassment from more controversial stories. This gets magnified in conservative, rural states, where the scope of *controversial* topics is fairly broad.

When asked about a New Voices law based on the Maryland Act (where teachers are protected from retribution from administrators), 76 percent of respondents said they are in favor, while 8 percent said they are not in favor and 16 percent said they do not know. The Maryland law also defines "school-sponsored media," "student journalist," and "student media advisor" so there is no ambiguity as to who these protections are granted.

The Maryland version also has four distinct elements giving protection to the students and teachers:

1. Student journalists will not be disciplined for creating and publishing journalistic content,

2. Student media advisors will not be "dismissed, suspended, disciplined reassigned, transferred, or otherwise retaliated against" for protecting student journalism,

3. Student media advisors are allowed to teach professional standards for English and journalism,

4. Student media advisors are prohibited from influencing student journalists to promote political positions.

The idea of having concrete protections in place for both students and teachers was very appealing to Idaho teachers. In replying to the benefits a New Voices law could bring to Idaho, several teachers addressed the personal relief they would feel. "Protection for teachers will help [us] be better teachers by taking those chances journalists should be taking" and it would "Protect the teachers from administrators," were some of the comments.

Additionally, teachers said such a law would provide a more rigorous curriculum with better opportunities for students who would be able to write real news stories. One teacher said, "It would make high school journalism more like real-world journalism." Another said the newsroom would be more daring: "We wouldn't be afraid to take risks."

The New Voices legislation would also encourage students to use their critical and creative thinking skills as well

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as learning communication and collaboration skills. Instead of focusing only on factual/descriptive stories, the legislation would "allow for editorial and analytical pieces in addition to objective news." It would also lead to more well-rounded students by supporting "students' First Amendment and democratic rights, promotes good citizenship."

Idaho's Common Core for writing demands flexible, fluent and rhetorically agile writers well versed in the narrative, informative and argumentative modes. The fundamental elements of journalism provide that criteria, especially in terms of critical thinking, quality word choice, considering information quickly/analyzing and communicating it. Students learn to write all forms of journalism – news, features and opinion – under deadline pressure. As a practice, journalists must be able to defend their work in addition to being able to listen to and report conflicting sides of an issue. This is perhaps one of the best ways teachers can educate students in the art of argument.

Offering genuine newsroom experiences can teach younger minds how to think quickly and accurately while instilling quality writing skills. If Idaho and the remaining states were to enact the Maryland law, it would provide teachers the protection to teach without fear of reprisal by an administrator who might not like a particular topic a student might select, but it is still a topic of importance to the school community. After all, many times these "unpopular story options" are already well known and student journalists can alleviate rumors by providing facts, all while learning the journalistic trade.

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Second, in the past 30 years, we have also hurt our democracy by squelching many students' desires to become journalists. The most heart-wrenching part of Cathy Kuhlmeier Frey's testimony was how she had originally planned to become a journalist but chose another field of study in college because of being censored in high school. Finally, perhaps the most damaging part of the Hazelwood decision is not in the censorship by the administration, but in self-censorship.

During a 2005 Fulbright semester in Ukraine, I was inundated with stories about journalism during the days in the USSR. Journalists, after seeing colleagues who published controversial material end up disappearing to Siberia, mental institutions or early graves, feared coming anywhere close to crossing a line that might cost them their freedom or their lives. Consequently, they censored themselves far more than any government apparatchik might have.

The Hazelwood case and administrative pressures have had a similar chilling effect in many high schools across the country. Fearing censorship or possible negative consequences for themselves or the student newspaper, many students don't even attempt to cover stories they think might cause controversy. Advisers, fearful of losing their jobs, likewise are hesitant to encourage their students to do such journalism. In a field in which passion and courage are so critical, we are training our students to be passive and timid. That is the true tragedy of the Hazelwood case. That is the reason that New Voices legislation is so important for the field of journalism and, by extension, our democracy.

Dr. Bob Bergland is professor of journalism and digital media at Missouri Western State University, where he advises the student newspaper The Griffon News. *He is the chair of the College Media Association First Amendment Advocacy Committee.*

"Just as ripples spread out when a single pebble is dropped into water, the actions of individuals can have far-reaching effects." **– Dalai Lama**