

## PROTECTING THE RIGHT TO WAR TE

More states are acting to shield school newspapers from censorship. What's fueling the movement? BY CHRISANNE GRISÉ

he student journalists at
Pittsburg High School in
Pittsburg, Kansas, were
suspicious. They had set out
to profile a recently hired
principal, Amy Robertson, for the school
paper. But when they dug into her
background, things didn't add up. Even
details like where she earned her degrees
seemed questionable.

The reporters met with Superintendent Destry Brown about their concerns. He was supportive. So on a Friday night in March 2017, the paper published a story calling attention to the discrepancies. By Tuesday, Robertson had resigned "in the best interest of the district."

Many praised the students. "I believe strongly in our kids questioning things and not believing things just because an adult told them," Brown says. The shocking report might never have made it to print if it weren't for the Kansas Student Publications Act. The law grants student journalists independent control over their editorial content. It even lets students publish things that paint an unflattering picture of a school. Similar laws now exist in 13 other states. (see map, facing page).

In most areas of the country, though, the story might not have seen the light of day. But that could change. This year, 11 more states are debating or have already debated so-called New Voices laws. New York and Missouri are two of them. If these laws get passed, they would guard school news publications against censorship.

"This movement has been growing," says Hadar Harris, executive director at the Student Press Law Center, "because

of committed teachers and students who recognize the need to protect student journalists."

## The Supreme Court

The First Amendment guarantees freedom of the press. But with school publications, it's more complicated.

In 1969, the *Tinker v. Des Moines Independent Community School District*case reached the Supreme Court. The
Court ruled that students have the right
to express opinions as long as they
don't disturb the learning environment.
But things changed in 1988, with the *Hazelwood School District v. Kuhlmeier*case. A school district in Missouri had
removed a spread on divorce and teenage
pregnancy from a student newspaper.
The Court decided that the school district
had acted lawfully. Student newspapers





Neha Madhira wrote an opinion piece in Prosper. Texas, that was barred from publication at her school.

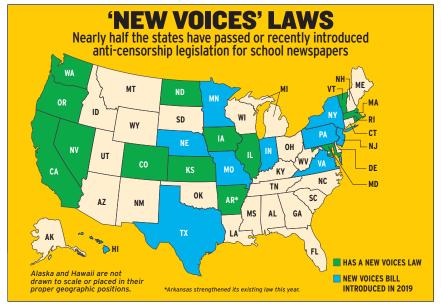
are more of an educational tool than a public forum, the ruling said. Because of that, administrators can censor work that they consider controversial or poorly written in school publications.

"Since the *Hazelwood* decision was handed down, student journalists have had lesser protections under the First Amendment than other high school students do," Harris says.

Things are a little different for young journalists in states with protection laws. They are essentially covered by the Tinker standard instead. The laws give independent control back to students. Administrators are still allowed to remove material that is obscene or defamatory or poses a danger.

"It's not saying you can publish whatever you want to publish—there has to be good judgment used," Harris says.

But some critics believe that's still too much freedom.



"These are publications . . . that are seen as communications coming from the school," Stacy Haney of the Virginia School Boards Association told the Virginia House Education Committee in January. Taking away the school's authority, she said, "is absolutely the wrong way to go."

Despite concerns, half a dozen states passed laws protecting student reporters by the mid-1990s. But it wasn't until 2015 that New Voices laws began taking off. A group of students and adults rallied to help pass one in North Dakota. That sparked action across the nation.

Six more states have since followed suit.

## Fueled by Social Media Experts say social media has

still necessary. fueled the movement. More and more stories of censored students have spread online. In the current political climate, some media outlets are being dismissed as fake news. That's why many lawmakers want to ensure that young journalists can think critically and report responsibly, Harris says.

Public support for student journalists continues to grow. But not everyone is on board. Lawmakers in Virginia and Hawaii tabled New Voices bills this year. Administrators across the country have pushed back against reporting

on sensitive topics, like gun violence and teen relationships. Last year, for example, the principal of Prosper High School in Prosper, Texas, clashed with the school's news site. Things got heated after he censored three articles that were critical of the school.

"To say we felt belittled was an understatement," editor Neha Madhira, now 18, says. The principal didn't respond to requests for comment. But he eventually agreed to let students publish future stories without his approval.

Now Madhira is leading the charge for a New Voices law in Texas. And

> plenty of other teens around the country are also joining the fight. They're speaking out at a time where a record number of states are

considering these bills.

**Critics argue** 

that sometimes

censorship is

The failed attempts in Virginia and Hawaii show that New Voices laws can face steep opposition. But that hasn't stopped teens from trying to protect what they believe is their constitutional right to free speech.

"Kids have to know that their voices are vital," Madhira says. "The last thing we need is to have young people's voices silenced." •

With reporting by Christopher Mele of The Times.