

The Student Journalist Free Speech Act

A New Voices bill to protect student journalists in New York State

A.3079/S.2297

The nationwide New Voices movement restores to student journalists the rights guaranteed them in 1969's landmark Supreme Court decision *Tinker v. Des Moines*, which affirmed that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

Support your district's student journalists' constitutional rights to freedom of speech and the press – support the **Student Journalist Free Speech Act!**

Sponsored by Assemblywoman Donna Lupardo (D-Endwell) and Senator Brian Kavanagh (D-Manhattan/Brooklyn), the **Student Journalist Free Speech Act** is New York's New Voices bill that will enshrine the *Tinker* standard for students' freedom of expression in state law. It includes protections for student journalists at public high schools.

Presently, New York and most other states operate under 1988's *Hazelwood v. Kuhlmeier* standard, which empowered school administrators by saying that they did not offend the First Amendment by exercising editorial control over the content of student speech so long as their actions were "reasonably related to legitimate pedagogical concerns." (oyez.com). The Court held that schools retained the right to refuse to sponsor speech that was "inconsistent with 'the shared values of a civilized social order.'" *Hazelwood's* overbroad language has led to three decades of uncertainty, confusion and in many cases, censorship of student media by school administrators in New York and around the country.

"It's important that New York supports and encourages student reporters. It's a difficult time to be a journalist; in order to ensure that we continue to have a strong, free press we need to make sure students have the same rights and protections as those afforded to professionals."

- Assemblywoman Donna Lupardo

"If we want to teach the next generation of reporters the importance of holding systems of power accountable, we must allow them to experience free speech. Whether you're writing for your school newspaper or a national news outlet, all journalists deserve this right."

- State Senator Brian Kavanagh

The Student Journalist Free Speech Act does not protect:



- Defamatory or obscene speech
- Invasion of privacy
- Incitement to violence
- Disruption of orderly school operations
- Promotion of illegal activity

The Student Journalist Free Speech Act encourages strong journalism and...

- ...critical thinking
- ...research & fact-checking
- ...writing & editing
- ...media literacy in the era of "fake news"
- ...teamwork & collaboration
- ...problem-solving
- ...student buy-in in the school & community

States with New Voices laws or other protections for student expression:

- North Dakota
- Illinois
- Maryland
- Nevada
- Rhode Island
- Vermont
- Washington
- California
- Oregon
- Pennsylvania
- Massachusetts
- Iowa
- Colorado
- Kansas
- Arkansas

The Student Journalist Free Speech Act will expand protections of freedom of speech and the press by returning editorial control of newspapers, yearbooks, online news sites, broadcasts and other publications to student journalists, while at the same time upholding long-standing ethical standards which will encourage the instruction and practice of responsible journalism at the high school level. The bill does not override the Supreme Court – it simply provides a parallel state-protected set of rights that supplement students' federally protected rights.

Further, the bill does retain some school administrative oversight provisions over content which maybe considered defamatory, obscene, an unwarranted invasion of privacy or violate Federal or State law.

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