



March 16, 2020

The Honorable Ralph Northam
Governor of Virginia
P.O. Box 1475
Richmond, VA 23218

Dear Governor Northam:

On behalf of the Student Press Law Center, I am writing to urge your approval of HB36, the bill to protect the press freedom of Virginia's college student journalists.

The Student Press Law Center is an independent, non-partisan organization that, since 1974, has helped students of all ages participate in civic life and learn essential skills, ethics and values through the vehicle of journalism. Our hotline provides free legal services to student journalists and advisers. As such, we see daily the need for such legislation.

Under a 1988 U.S. Supreme Court decision known as *Hazelwood School District v. Kuhlmeier*, public schools may legally censor a student journalist when "reasonably related to legitimate pedagogical concerns." Unfortunately, school administrators have interpreted this guideline in the broadest possible way, regularly censoring student journalists for reasons that are rarely articulable, often subjective and rooted in the discomfort of administrators and not the needs of students. Student journalists can be and are censored for virtually any reason. While the courts have generally held that *Hazelwood* does not apply to college students, college administrators continue to regularly and arbitrarily censor student journalists. Virginia's high school and college journalists have reported many significant cases of censorship that could have been prevented by robust student press freedom legislation and should be addressed; information on some of these cases is available on our website at splc.org/new-voices-virginia.

The result of *Hazelwood* censorship is not that students do not grapple with the issues that make adults nervous; it is that they do so in secret or on social media, disempowered by their administrators and surrounded by rumor and algorithms instead of rigorous fact-checking and journalistic ethics. This teaches Virginia's students only that we believe them incapable of the sort of discourse we ask them to engage in the moment they leave our schools and become our civic leaders. When students do push against censorship, it is often their advisers who pay a heavy professional price for defending their students. Robust press freedom legislation will enable student journalists to tell the truth without fear of reprisal, will protect the advisers who support them, and will help Virginia's schools fulfill their mission to produce the engaged thinkers ready to be our next generation of leaders.

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HB36 ensures that student media can be censored only in certain narrow circumstances, such as if the media is libelous or slanderous, or represents a clear and immediate threat to the school environment. The legislation also prohibits retaliation against advisers who refuse to illegally infringe upon their students' rights. This legislation will provide another tool for Virginia's college student journalists to use in their pursuit of truth and in telling the stories that matter to their schools and to the communities at large.

We would be remiss if we did not mention, however, that HB36 only goes part of the way. Virginia has significantly more work to do to protect student press freedom, particularly for high school students who were excluded from this bill. Fourteen states have adopted student press freedom legislation to address *Hazelwood* censorship; none excludes high school students. It is Virginia's high school students who bear the brunt of *Hazelwood* censorship and whose award-winning teachers are reassigned or fired for refusing to shut their students down, and who have been testifying before the legislature for years asking for the restoration of their press rights. Virginia will be the only state that protects only the rights of college students. We hope that Virginia will rectify that next year and pass legislation restoring and protecting the press freedom of Virginia's high school students.

As the country grapples with a public health crisis that includes school closures, the value of student journalism has never been clearer. Student journalists and media advisers have leaped into action to make sure their student body is both informed and calmed. We encourage you to view the work of student journalists from across the country, available on our website at splc.org/covering-the-coronavirus-pandemic. We are relying now on our student journalists to keep the student body safe and informed; student press freedom legislation ensures they have the tools to do so.

Student journalists today want to ensure a thoughtful and thorough pursuit of the truths that matter to them and their peers. Yet as we lecture students in class on how to be civic-minded critical thinkers, thirty years of *Hazelwood* has bred curiosity and confidence out of our students. Today's new voices are tomorrow's media leaders and citizens; we can no longer afford to stifle them.

Thank you for your support of Virginia's students. Please support HB36.

Sincerely,

Hillary Davis
New Voices Advocacy and Campaign Organizer

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