

WEST VIRGINIA'S LAW PROTECTING STUDENT JOURNALISTS



In 2023, West Virginia passed a law to clarify the rights and responsibilities of student journalists in schools across the state. This law, also called “New Voices” legislation, protects the press freedom of West Virginia’s public high school, college, and university student journalists and their advisers.

As of the 2024-2025 school year, school officials cannot censor student media in West Virginia except if the media...

- Is libelous or slanderous;
- Constitutes an actionable invasion of privacy;
- Is obscene, vulgar, pornographic, or of sensual or illicit sexual content;
- Violates federal or state law;
- Expressly incites students to engage in the commission of an unlawful act or acts, or violate a lawful school policy, or is likely to cause the material and substantial disruption of the operation of the school. Administrators must base a forecast of material and substantial disruption on specific facts, and not on undifferentiated fear or apprehension.

The law protects from censorship anything that is produced in school and made available to students in the school (e.g. newspapers, broadcast channels, audio or video programs, literary magazines, and other forms of media that may evolve in the future). It does not protect class projects, personal social media, or anything distributed without an adviser involved.

READ THE GUIDE!

[SPLC.ORG/KNOW-YOUR-RIGHTS-WEST-VIRGINIA](https://splc.org/KNOW-YOUR-RIGHTS-WEST-VIRGINIA)



[SPLC.ORG/NEW-VOICES-WEST-VIRGINIA](https://splc.org/NEW-VOICES-WEST-VIRGINIA)

WHAT ABOUT ADVISERS?

Advisers cannot be penalized for refusing to censor, interfere with or overrule student decisions relating to lawful school-sponsored media, including any adverse employment action against the adviser.

WHO CONTROLS THE CONTENT?

Student journalists determine the content of school-sponsored media. Advisers may make suggestions and offer feedback, but student journalists are responsible for the final product, including any praise, criticisms, or (in very rare circumstances) any potential lawsuits.

CENSORSHIP MIGHT BE OVERT

- A clear action that is meant to stop, dissuade, or discourage students from producing or distributing student media
- "You may not publish this"
- Attempted prior review (a school official telling student journalists that they cannot publish a story, taking action to prevent them from doing so, or holding student media for more than 72 hours)

CENSORSHIP MIGHT BE SUBTLE

- Strong suggestions that a story be withheld or changed
- "Reviewing" a student piece until the publication deadline has passed
- Threats to change a student's grade unless some aspect of a piece is changed
- Outright or suggested cuts to the student media program's funding following a controversial piece
- Reassignment of the adviser
- The removal or destruction of student media once it has been distributed

HAVE ADDITIONAL QUESTIONS?

If you believe there is an issue or risk of censorship at your school, or you need more information about this law, contact SPLC's Legal Hotline as soon as possible at splc.org/legalhelp.