

October 13, 2014

National School Boards Association  
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Alexandria, VA 22314

National Association of Secondary School Principals  
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American Association of School Administrators  
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National Association of State Boards of Education  
2121 Crystal Drive, Suite #350  
Arlington, VA 22202

Dear Education Leaders,

The undersigned journalism organizations share a common interest in the welfare of teachers and students in the field of scholastic journalism, and in making certain that students receive the highest quality journalism instruction in a supportive environment where best ethical standards are taught and modeled.

Because of our concern for the well-being of student journalism and those who practice it, we have been alarmed and deeply disappointed by the events unfolding over the past school year at the Neshaminy School District in Bucks County, Pennsylvania, with which you undoubtedly are familiar.

To briefly describe the underlying facts, student editors of *The Playwickian* newspaper resolved during the 2013-14 school year to refrain from publishing the name of the school's athletic mascot, "Redskins," which they – along with many leading voices in mainstream professional journalism – regard as an ethnic slur. The right to make discretionary editorial judgments of this kind is vouchsafed for student editors in the public schools of Pennsylvania not only by the First Amendment, but more explicitly by Section 12.9 the Pennsylvania Code of Student Rights and Responsibilities, which states in pertinent part: "Students shall have the right to express themselves unless the expression materially and substantially interferes with the educational process, threatens serious harm to the school or community, encourages unlawful activity or interferes with another individual's rights."

Before publication of the school year's final edition of *The Playwickian* in June 2014, the editors received a letter-to-the-editor repeatedly using the banned mascot word to express his defiance of the editors' policy. Rather than accede to their principal's directive to publish the letter verbatim, the editors sent the newspaper to press with a box on the editorial page explaining their decision to withhold the letter.

Principal Rob McGee and members of the Neshaminy Board of School Directors vehemently opposed the editors' decision, and began a harassment campaign against these students, their instructor and their publication as if neither Section 12.9 nor the First Amendment existed. It began with

the introduction of two new district policies (Publications and Social Media) purporting to greatly diminish students' rights to freedom of expression in school-affiliated media. Directly contradicting Section 12.9 of the Pennsylvania Administrative Code, the policy provides (among other restrictions) that administrators may remove or alter the content of student publications "for any reasonable reason." This is a level of authority even beyond the outermost limit the Supreme Court recognized in *Hazelwood School District v. Kuhlmeier*, to say nothing of the fact that Pennsylvania law repudiates the *Hazelwood* standard.

On June 26, 2014, the school board voted 8-1 for the new Publications and Social Media policies. Then on Sept. 16, Principal McGee suspended journalism adviser Tara Huber from her position for two days without pay, removed *Playwickian* editor Gillian McGoldrick from her position for a month and "fined" the newspaper \$1,200, approximating the cost of the June 2014 edition

These acts – in addition to being unlawful – are so bereft of any educational or ethical justification that they exceed the boundaries of acceptable professional behavior in the field of school administration. As the *Washington Post* stated in a Sept. 23 editorial condemning the disciplinary sanctions, "People may differ on whether the school's sports moniker — like that of Washington's team — is offensive, but there should be no disagreement about journalists exercising their rights. In Neshaminy, it is the students who are behaving like grown-ups." Since the administration and board at Neshaminy have rejected overtures to meet and be educated about the law, it is imperative that people concerned with the welfare of students repudiate this illegitimate course of conduct before more harm is done.

Several of your organizations co-signed the "Guidelines for Free and Safe Public Schools" disseminated in 2012 by the American Jewish Congress and the Religious Freedom Education Project of the First Amendment Center. These principles recognize that the imperatives of keeping order and protecting vulnerable listeners must be tempered by respect for the freedom to exchange ideas, stating: "Suppression of speech should be the last, not first, resort. ... The school should not attempt to coerce or pressure students to change the core content of a message that is constitutionally protected."

Several of your organizations also are outspoken advocates for civic education through, among other vehicles, membership in such organizations as the Campaign for the Civic Mission of Schools. Rigid and punitive application of *Hazelwood* to student journalistic publications is irreconcilable with meaningful civic education, and it is time for all organizations concerned with effective civic learning opportunities for young people to say so publicly and unequivocally.

Journalism education is an irreplaceable part of a well-rounded public education and a civically healthy school. The teaching of journalistic skills, ethics and values is more essential than it has ever been, now that essentially every student has access to the power of digital publishing and is bombarded with online information of varying reliability. To be effective citizens, productive workers and educated consumers of the Internet, all students must graduate with the ability to journalistically assess and explain information. It is not possible to effectively teach journalism, and to recruit and retain students to perform their essential community service role as news-gatherers, in the environment of open contempt for fundamental American freedoms that exists today in Neshaminy.

We call upon each of your organizations to join ours in disavowing the actions of the Neshaminy School District, so that the message is clear that there is no place in public education for practices that intentionally inflict harm on teachers and students for refusing as a matter of conscience to associate

themselves with racial epithets. Silence in the face of this school district's disregard for basic human decency gives quarter to institutionalized bullying. Silence is not an option for organizations that regard themselves as national standard-setters for optimal school leadership practices. This is a defining moment at which all of us are called upon to demonstrate that our publicly stated commitment to the well-being of young people is more than just words on a page.

We also ask your organizational leaders to sit down with ours (and others) as soon as is practically possible to use this defining moment that has so united public opinion nationwide as the impetus for a "summit" with the goal of formulating a set of standards for educationally responsible governance of journalism education, and for the ethical treatment of student voices in general. The principles of the First Amendment Center's 2012 Guidelines represent a starting point from which progress can be made toward curbing some of the worst excesses emboldened by *Hazelwood*.

We thank you for your commitment to strong and effective public education, and we look forward to meeting toward formulating a set of standards and practices with the objective of making sure that no student must ever learn, and no teacher must ever work, in an environment of hostility toward the exchange of challenging views on social and political issues.

Frank LoMonte, Executive Director  
Student Press Law Center

Dana Neuts, President  
Society of Professional Journalists

Teresa Schmedding, President  
American Copy Editors Society

Mike Cavender, Executive Director  
Radio Television Digital News Association

Vanessa Shelton, Ph.D., Executive Director  
Quill and Scroll International  
Honorary Society for High School Journalists

Mark Horvit, Executive Director  
Investigative Reporters and Editors

Mark Goodman, Knight Chair  
The Center for Scholastic Journalism, Kent State University

George Bodarky, President  
Public Radio News Directors Inc.

Larry Goldbetter, President  
National Writers Union

Alan Miller, President  
Associated Press Media Editors Association

Mary Hudetz, President  
Native American Journalists Association

Carol Pierce, Executive Director  
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Mark Newton, President  
The Journalism Education Association

Mark Schlack, President  
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Tiffany Shackelford, Executive Director  
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Diana Mitsu Klos, Executive Director  
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Rachele Kanigel, President  
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National Association of Black Journalists

Arnie Robbins, Executive Director  
American Society of News Editors