

# National Coalition Against Censorship

Falls Church City Public Schools Board  
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October 11, 2016

To the members of the Falls Church City Public School Board,

As a coalition of organizations dedicated to supporting freedom of speech, we recommend the repeal of portions of School Board Policy 9.46, which permits principals to exercise prior review of student newspapers. The policy restricts the freedom of student journalists, prevents them from reporting on issues of relevance to their school communities, and impedes the development of their skills as writers, editors, and reporters. By repealing the policy, the Falls Church City School District will serve the educational interest of its pupils and emerge as a national leader in promoting student journalism.

First, **the policy is counterproductive to pedagogical aims** because it requires student journalists to anticipate the views of administrators, creating a chilling effect that inhibits their ability to write about important subjects. This prevents students from both reporting on issues of interest to them and their classmates and from gaining realistic experience in the practice of journalism.

For example, Kate Karstens, a senior at George Mason High School and the editor-in-chief of its student newspaper, described how Policy 9.46 undermines her educational experience. Because of the policy, the newspaper's reporting has been stifled. "There are some subjects that we know will get censored, so we don't even try," she informed NCAC. She has been deterred from reporting on her school's abstinence-only education policy, and other reporters have been reluctant to attempt to run editorials on the availability of contraceptives in the nurse's office. Policy 9.46 therefore prevents students from following their passions and impedes the flow of information on school policies to the general public.

The Maryland-D.C. Scholastic Press Association has noted that repeal of prior review policies allow journalism teachers to provide a more realistic experience to their students. By enabling teachers "to model the First Amendment for their students," repeal of the policy

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Joan E. Bertin  
*Executive Director*

## NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association  
American Association of School Administrators  
American Association of University Professors  
American Association of University Women  
American Booksellers for Free Expression  
American Civil Liberties Union  
American Ethical Union  
American Federation of Teachers  
American Jewish Committee  
American Library Association  
American Literary Translators Association  
American Orthopsychiatric Association  
American Society of Journalists & Authors  
Americans United for Separation of Church & State  
Association of American Publishers  
Authors Guild  
Catholics for Choice  
Children's Literature Association  
College Art Association  
Comic Book Legal Defense Fund  
The Creative Coalition  
Directors Guild of America  
Dramatists Guild of America  
First Amendment Lawyers Association  
International Reading Association  
Lambda Legal  
Modern Language Association  
National Center for Science Education  
National Communication Association  
National Council for the Social Studies  
National Council of Churches  
National Council of Jewish Women  
National Council of Teachers of English  
National Education Association  
National Youth Rights Association  
The Newspaper Guild/CWA  
PEN American Center  
People for the American Way  
Planned Parenthood Federation of America  
Project Censored  
SAG-AFTRA  
Sexuality Information & Education Council of the U.S.  
Society of Children's Book Writers & Illustrators  
Student Press Law Center  
Union for Reform Judaism  
Union of Democratic Intellectuals  
Unitarian Universalist Association  
United Church of Christ  
Office of Communication  
United Methodist Church  
United Methodist Communications  
Women's American ORT  
Woodhull Sexual Freedom Alliance  
Writers Guild of America, East  
Writers Guild of America, West

will strengthen civics education and help students “see the U.S. Constitution as a real and living document that defends their rights of citizens of our nation.”

Recognizing the incompatibility of prior review with educational objectives, several states have passed legislation that restricts administrators’ abilities to exercise prior review. This movement to protect student press rights is gaining steam; Maryland’s legislation was signed in April, and Illinois enacted its law in August. Similar bills are pending in three other states.

**Second, removing the constraints of Policy 9.46 will benefit the Falls Church community at large.** Student views are of interest to parents who may well want to know what students are thinking and discussing among themselves, to educators attempting to improve the education of their students, and to policymakers seeking to create an optimal learning environment. Repeal of the policy would enable all citizens of Falls Church to hear student perspectives of their county’s school system and to work with officials to improve it.

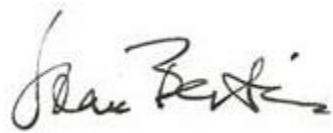
**Third, the repeal of Policy 9.46 would demonstrate the District’s commitment to First Amendment principles.** Although school administrators have considerable authority over student publications, that authority is not unlimited. The Supreme Court held in *Hazelwood v. Kuhlmeier*, 484 U.S. 260, 273 (1988)), that “educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities *so long as their actions are reasonably related to legitimate pedagogical concerns*” (emphasis added). It is difficult to see how restricting student expression to avoid controversial issues is “reasonably related to legitimate pedagogical concerns.” On the contrary, a critical function of public education is teaching students how to address such issues intelligently and “inculcating … an appreciation for the cherished democratic liberties that our Constitution guarantees.” *Id.* at 290 (Brennan, J., dissenting).

By dismantling the sections of Policy 9.46 that permit prior review of articles on controversial topics, the Falls Church City Public School District can create an atmosphere in which robust free press protections enable student newspapers to flourish, encourage student journalists to undertake rigorous investigative and editorial assignments, and focus on teaching students the ethical and quality standards of professional journalism. The District can serve as a model for other schools both across Virginia and across the country.

Student Press Law Center, a member organization of NCAC, specializes in working with school districts on issues of student-media governance and has offered to work with the District in drafting a new policy that will better serve the needs of student journalists and the Falls Church community as a whole. We hope you will take advantage of its experience and its offer to assist in developing workable policies.

Please let us know if we can be of any further assistance in this matter.

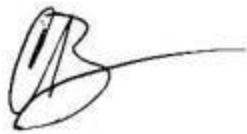
Sincerely,



Joan Bertin, Executive Director  
National Coalition Against Censorship



Frank LoMonte, Executive Director  
Student Press Law Center



Charles Brownstein, Executive Director  
Comic Book Legal Defense Fund



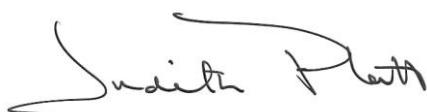
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Intellectual Freedom Center  
National Council of Teachers of English



Chris Finan, Director  
American Booksellers for Free Expression



Mark Newton, President  
Journalism Education Association



Judith Platt, Director  
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