

National Coalition Against Censorship

Falls Church City Public Schools Board
800 West Broad Street, Suite 203
Falls Church, VA 22046

By electronic mail:

Board Chair Justin Castillo, jcastillo@fccps.org
Board Vice Chair John Lawrence, jlawrence@fccps.org
Board Member Michael Ankuma, mankuma@fccps.org
Board Member Erin Gill, egill@fccps.org
Board Member Phil Reitingner, preitingner@fccps.org
Board Member Margaret Ward, mward@fccps.org
Board Member Lawrence Webb, lwebb@fccps.org
Student Representative Dorian Charpentier, public@fccps.org

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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

19 Fulton Street, Suite 407
New York, NY 10038
tel: (212) 807-6222
fax: (212) 807-6245
e-mail: ncac@ncac.org
web: www.ncac.org

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



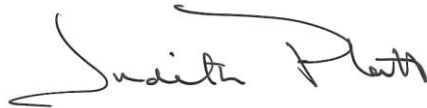
Millie Davis, Director
Intellectual Freedom Center
National Council of Teachers of English



Chris Finan, Director
American Booksellers for Free Expression



Mark Newton, President
Journalism Education Association



Judith Platt, Director
Free Expression Advocacy
Association of American Publishers



Mary Rasenberger, Executive Director
Authors Guild