



September 8, 2022

Alberto M. Carvalho
Superintendent
Los Angeles Unified School District
333 S Beaudry Avenue
Los Angeles, CA 90017
Sent via Email, alberto.carvalho@lausd.net

Re: Improper Suspension of Adriana Chavira

Dear Superintendent Carvalho:

As organizations and individuals dedicated to protecting free speech and press rights, we write to denounce the improper suspension of journalism educator and student media adviser Adriana Chavira from the Daniel Pearl Magnet High School (DPMHS), and urge your immediate withdrawal of this disciplinary matter, with her personnel record expunged. This rash and inappropriate disciplinary action directly violates California's Student Free Expression Law, California Education Code Section 48907, a law on the books for nearly five decades, which was enacted and subsequently amended over the years specifically to protect student journalists and journalism advisers from what is happening now.

Ms. Chavira has advised *The Pearl Post* since 2009. *The Pearl Post* is a student-edited publication. It has won [numerous awards](#) for its journalism at the local, state and national level. At a moment when COVID vaccination policies and their impact on schools was front-page news around the world, the student staff with *The Pearl Post* learned that their librarian had not returned to her position at the school because of her decision not to comply with the district's vaccination mandate. Her decision had a direct impact on the school's library program and the DPMHS community, and the student editors decided to cover the story as news. The students published their story — including the name of the librarian — on November 8, 2021. Their editorial decision to include the librarian's name was a lawful one and consistent with journalistic principles of reporting on public employees.

We understand that Ms. Chavira was informed on September 1, 2022, that she would be subject to a three-day suspension without pay, and that her personnel file would reflect a disciplinary notice. That action flies in the face of the protections afforded by California Education Code Sec. 48907. That law, enacted in 1977, was the first state law in the country specifically protecting the rights of student journalists. To date, it has served as the model for laws enacted in 15 other states. As Ms.



Chavira pointed out very clearly in her response to this matter, Section 48907 says that student journalists — not an adviser nor any other school official — are responsible for determining the content of student media as long as the content is lawful and does not create a “substantial disruption of the orderly operation of the school.”

In 2009, in response to a series of retaliatory attacks on California's student media advisers by administrators unable to censor student journalists directly, Section 48907 was amended to include specific protection for student media advisers. Indeed, it is almost as if the lawmakers who enacted Sec. 48907 had a crystal ball forecasting what is taking place at DPMHS now.

In particular, the statute includes the following:

“An employee shall not be dismissed, **suspended, disciplined,** reassigned, transferred, **or otherwise retaliated against** solely for acting to protect a pupil engaged in the conduct authorized under this section, or refusing to infringe upon conduct that is protected by this section, the First Amendment to the United States Constitution, or Section 2 of Article I of the California Constitution” [Ca. Educ. Code Sec. 48907(g), emphasis added].

A three-day suspension without pay certainly constitutes the action proscribed by the statute. Here, Ms. Chavira was lawfully supporting her pupils independently and accurately reporting on the impact of the COVID-19 vaccine mandate on their school staff. The article, which reported on a highly newsworthy topic at the time, was not obscene, defamatory or unlawfully invasive of anyone’s privacy rights; further, it did not serve to incite pupils “as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school,” all of which would be prohibited by the statute (Ca. Educ. Code Sec. 48907(a)). The article was protected speech. Indeed, had Ms. Chavira agreed to censor the story, as DPMHS administration demanded, she would likely have found herself a co-defendant with those same administrators in a lawsuit brought by the students.

It is, quite frankly, astounding that in the 82-page Notice of Suspension provided to Ms. Chavira, which consists mostly of copies of various district policies regarding school computer use, ethical behavior, an inapplicable HIPAA policy, student conduct, etc., the district fails to even mention Sec. 48907. While this shotgun approach makes a lot of noise, it fails to address the key issue: DPMHS officials ordered Ms. Chavira to break the law and she refused.



We find it deeply troubling that the journalism students at Daniel Pearl Magnet High School — which it must be pointed out was named after the heroic journalist for *The Wall Street Journal* killed by terrorists in Pakistan shortly after 9/11 — are learning first-hand about the perils of censorship at the expense of their beloved adviser. Ms. Chavira believes that students have a unique perspective on the issues of the day and that their voices matter. She took to heart that California law meant what it said and that “[p]upil editors of official school publications shall be responsible for assigning and editing the news, editorial, and feature content of their publications” while the adviser should “supervise the production of the pupil staff, to maintain professional standards of English and journalism” (Ca. Educ. Code Sec. 48907(c)). The onus is not upon Ms. Chavira by statute to [cow to internal building-level pressures](#) that are tantamount to censorship.

You have it in your power to instruct the administration at DPMHS to immediately withdraw the disciplinary matter against Ms. Chavira and expunge her personnel record of this egregious action taken at the building level. We implore you to do so as soon as practicable to affirm the Los Angeles Unified School District’s commitment to principles of a free student press and the law.

With Respect,

A handwritten signature in black ink, appearing to read "Hadar Harris", with a long, sweeping flourish extending to the right.

Hadar Harris
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CC: School Board President Kelly Gonez
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The following organizations and individuals co-sign this letter:

- Tamara Pearl, vice president, Daniel Pearl Foundation*
- American Library Association Office for Intellectual Freedom
- Center for Scholastic Journalism, Kent State University
- College Media Association
- Defending Rights & Dissent
- First Amendment Coalition
- Foundation for Individual Rights and Expression
- Freedom of the Press Foundation
- Journalism Education Association
- National Coalition Against Censorship
- National Council of Teachers of English
- National Scholastic Press Association
- PEN America
- Quill and Scroll Honor Society
- Society of Children's Book Writers and Illustrators
- Society of Professional Journalists
- Tully Center for Free Speech, Syracuse University
- Woodhull Freedom Foundation
- John Bowen, member, Journalism Education Association Scholastic Press Rights Committee*
- Gaby Doyle, president, Southern California Journalism Education Association*
- Prof. Vincent F. Filak, Ph.D., UW-Oshkosh*
- Mandy Salley, chief operating officer, Woodhull Freedom Foundation*

* Signing in a personal capacity. Affiliation for identification purposes only.