




New Voices advocates regroup in Missouri after bill stalls in state Senate

By [Jordan Gass-Poore](#)¹ | Published 05/20/16 4:25pm |  Email |  Print | 
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A bill that sought to protect the First Amendment rights of Missouri student journalists quietly died in the state Senate this month. It would have prevented public schools and colleges from censoring student-produced media.

The [Walter Cronkite New Voices Act](#), named after the Missouri native and iconic broadcast journalist, spent this spring climbing the state legislative ranks, passing overwhelmingly in the House of Representatives but held in Senate committee, waiting for a Senate vote.

Missouri would have been the tenth state -- joining North Dakota, Arkansas, California, Colorado, Iowa, Kansas, Massachusetts, Maryland (the only state so far to pass a student press freedom bill this year) and Oregon -- to pass a law protecting student journalists' free speech rights.

Similar bills are pending in Illinois, Minnesota, Michigan and Rhode Island as part of a [nationwide New Voices campaign](#) supported by the Student Press Law Center that aims to restore the Tinker standard protecting student expression in public high schools state by state.

In 1969, the U.S. Supreme Court ruled in *Tinker v. Des Moines Independent Community School District* that public school administrators cannot punish students for speech that is not libelous, an invasion of privacy or creates a "clear and present danger" of a "material and substantial disruption" of the school.

Otto Fajen, a lobbyist for the Missouri National Education Association, said the bill probably didn't make it through the state Senate because hot-button

political issues, such as abortion and same-sex marriage, hogged this year's legislative session.



“It just kind of got lost in the shuffle,” said Fajen of the bill, which he surmises will return next legislative session. But with legislators focusing on the November election, he added that so far there hasn't been much discussion on the bill's future.

For the bill to be successful the next go around, Fajen recommended it include immunity protecting schools from liability for student speech and anti-retaliation provisions similar to those in effect in California, Kansas and Maryland to protect school districts and staff.

Although Fajen questioned the New Voices Act and encouraged the Missouri Senate not to pass it this term, he said he and the Missouri National Education Association don't have a formal position on the bill.

Opponents of the New Voices Act, who represented school administrators, argued that the bill would expose young students to inappropriate subject matter and the school could be held liable for what student newspapers publish.

There was also concern that the bill would prompt schools to eliminate high school journalism programs entirely.

School districts that would consider abolishing journalism in response to a press freedom law are “scared and not educated,” said Kirkwood High School journalism adviser Mitch Eden, who presented testimony in support of the New Voices Act.

Eden, who is also the president of the Missouri Journalism Education Association, believed these schools are already censoring student-produced media and that this would be an excuse to kill an already-flatlining program.

He said he's seen firsthand at Kirkland High School, what he considered to be a “First Amendment” institution, how students thrive in an environment where school administrators and educators trust and support them.

“This bill would guarantee that for all kids and programs in the state,” Eden said.

The New Voices Act, introduced by Republican Rep. Elijah Haahr in early January, would have restored many of the protections for student journalists removed in the 1988 U.S. Supreme Court case *Hazelwood School District v. Kuhlmeier*.

In that case, the Supreme Court ruled that high school students' freedom of speech rights were not violated when the school's principal prevented articles

about teen pregnancy and divorce from being published.

Under this ruling, schools can censor school-sponsored media, as long as school officials have a reasonable educational justification and their censorship is viewpoint-neutral.

Cathy Kuhlmeier Frey was one of three students who sued Hazelwood School District in Florissant, Mo., claiming that school censorship violated their First Amendment rights.

Almost 30 years later, Frey, who still lives in Missouri, returned to testify in support of the New Voices Act. She joined about a dozen student journalists, free press advocates and student newspaper advisers at a February hearing.

“The Hazelwood standard does have some legitimate issues,” said Fajen, adding that he’s surprised a bill like New Voices hasn’t appeared in the Missouri legislature sooner.

Even so, there’s little chance it would have succeeded, given that Haahr’s bill wasn’t even given a Senate vote, Eden said.

The chair of the Senate Education Committee, Missouri Republican Sen. David Pearce held the bill in committee despite members’ unanimous vote to pass it, letting HB 2058 die by not reaching the Senate floor for a vote before the legislative session ended this month.

In no way does this end our goal to get this passed in Missouri, said Eden, who plans to meet with other advocates of the bill this summer.

“[T]his is too important to quit right now; we’re too close,” he said.

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Missouri JEA President Mitch Eden (right) presented Missouri Rep. Elijah Haahr with the association's "Friend of Scholastic Journalism Award" after a Senate committee hearing on Haahr's Walter Cronkite New Voices Act.

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