



# THOMAS A. MICHALSKI

STATE REPRESENTATIVE • 13<sup>TH</sup> ASSEMBLY DISTRICT

(608) 267-9113

Toll-Free: (888) 534-0013

Rep.Michalski@legis.wisconsin.gov

P.O. Box 8953

Madison, WI 53708-8953

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Chairman Murphy and fellow members of the Committee on Colleges and Universities,

Thank you for allowing me to speak on AB 551. Earlier this year, we received the UW System Student Views on Freedom of Speech Survey. Conducting the survey was so controversial that the prior UW-Whitewater Interim Chancellor, Jim Henderson, resigned. When the results were released, it became clear why. Conservative students are afraid to speak up for fear their instructors would retaliate by lowering their grades. The survey suggested that free speech is only for liberal points of view, and conservative thought is being stifled.

In response, the Committee on Colleges and Universities held four hearings to allow everyone to present their perspective on Free Speech in the University system. (one each in Eau Claire & Oshkosh, two in Madison)

During this hearing(s), we learned that conservative speech was, in fact, actively suppressed, and freedom of the press was as well. We had UW-Madison student Tripp Grebe testify that his piece for a student newspaper was refused space in the paper because it was in opposition to the Defund the Police movement.

AB 551 takes aim at this. Using the New Voices legislation as a template, this bill will return to students' the right to exercise freedom of speech and press in school media. This is regardless of whether the media is financed by the school, using facilities, or in conjunction with a course the student is enrolled in.

The bill also prevents retaliation against student media advisers for refusing to censor student journalists. This bill also allows a student journalist or media adviser who believes their rights have been violated to bring forth their grievances in a circuit court. On top of this, a court may provide attorney fees for a successful case.

The bill does provide advisers and administrators the ability to pull content if the material is libelous or slanderous, if it violates privacy, breaks state or federal law, or calls for the violation of federal or State law, or violates a lawful school policy.

The New Voices legislation has passed in 17 states, ranging in the diversity of political opinion from the highly Democrat California and Rhode Island to the almost entirely red North Dakota and Arkansas, along with everything in between.

The survey and hearings brought to light an active effort to constrain thought and prevent the free exchange and discussion of beliefs and ideas. This is counter to the original intent of the university system. Suppose an individual is prevented from hearing diverse opinions, beliefs, and values. In that case, that individual loses the understanding that there is a world outside, beyond the echo chamber the University has become. The student loses the opportunity to learn and debate respectfully and with decency. That is how our civil society is diminished.

Thank you for your time,



Thomas A. Michalski

State Representative, District 13



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# RACHAEL A. CABRAL-GUEVARA

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STATE SENATOR • 19<sup>TH</sup> SENATE DISTRICT

## Assembly Bill 551

### Testimony before the Assembly Committee on Colleges and Universities

Senator Rachael Cabral-Guevara

October 26, 2023

Thank you Chairman Murphy and committee members for allowing me to testify on Assembly Bill 551 today, a bill to protect freedom of the press in school-sponsored media.

Freedom of the press is the foundation of our republic. As young journalists gain their first real experience in reporting and editorializing, it's critical that the strong arm of the government does not stifle their speech even before they find their voice. AB 551 ensures that publicly funded media at our K-12 schools and higher education campuses lays a foundation for upholding First Amendment rights.

Under the bill, student journalists would be responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. School officials would be prohibited from censoring these items. Neither student-journalists nor media advisers may be disciplined for acting in accordance with the bill. Finally, the bill requires schools (including charter schools) to adopt a policy related to student-journalists exercising their freedom of speech and of the press in school-sponsored media. Specifically, that the policy must include an appeal process for students. A student-journalist or a media adviser may also bring an action in court to enforce the rights established under the bill.

This simple bill enshrines and protects constitutional rights that already exist for students. The bill simply ensures that these rights do not fall by the wayside when a school or college feels that they can get away with stifling speech without consequences.

## **Simon Mehring Testimony**

### **In Favor of AB 551 "New Voices Bill"**

**An Act to amend 36.35 (1); and to create 36.42, 38.43 and 118.129 of the statutes; Relating to: freedom of speech and of the press in school-sponsored media.**

Good Morning, Members of the Committee. I want to thank Chairman Murphy and Ranking Member Emerson for holding this public hearing on AB 551 this morning. My name is Simon Mehring, a high school Junior here in Wisconsin. I serve as Associate Editor in Chief of my school's student-run newspaper, The Norse Star, and as a New Voices Student Leader. I'm here today asking for support of AB 551 to protect the fundamental rights of student journalists. AB 551, commonly called The New Voices Bill, is a critical step forward in safeguarding student journalists statewide. This bill prohibits censorship unless the material is libelous or slanderous, contains an unwarranted invasion of privacy, violates state or federal law, or incites students to break the law or school policy or disrupt the orderly operation of a school.

By supporting this legislation, you are sending a signal that here in Wisconsin, civil discourse and dialogue is welcome and that you won't be censored or reprimanded for simply having a different perspective on a matter or discussing a topic that someone doesn't want to hear.

As an editor of my school's paper, I've had the privilege of interviewing, writing, and publishing some great articles; despite having interviewed members of Congress, judges, and the Governor, whenever I am asked about my favorite piece, I always turn back to one I wrote with a fellow student journalist of mine about our decisions to stand or not for the pledge of allegiance. Two journalists, with varying opinions on a topic, were able to produce a civil point-counterpoint article on the matter. This article was nothing revolutionary, but it represents what this bill protects. We could write and publish two controversial opinions on the topic without fear of censorship or retaliation by school administrators.

I'm lucky to be a student journalist in a district protected by a local policy regarding student media that nearly mirrors this legislation. Unfortunately, hundreds of student journalists across our state's high schools and universities aren't so lucky. Many students aren't able to cover the most important and relevant topics in their communities due to restrictive prior review and censorship policies. Censored stories often address issues that persons of authority don't want to hear. Whether they are criticizing school officials in an opinion article or covering a controversial decision with an unbiased news article, censorship silences the most critical stories in high school communities. We must acknowledge the stories that are most often censored aren't dangerous to the student body; student media has no goal or mission to "attack," or paint administrators in poor light; instead, our goal is quite the opposite. Student journalism makes the school environment more accountable and easier for to have conversations on critical issues. Student newspapers act as the sole public forum in many high schools here in Wisconsin.

Today, Student journalists have even fewer rights than the general student body. When the US Supreme Court ruled in Hazlewood Vs., Kulheimer they set a dangerous precedent. Because student media is "school-sponsored," they are fully open to censorship and prior review by school administration. Where the First Amendment protects a free press, Hazelwood explicitly targets students solely because they are the press, which explicitly opposes the pillars of the first amendment.

The time to act and protect these fundamental rights of student journalists is now. We want to tell the stories that impact our community on and off campus. By supporting AB 551 you are strengthening students' journalist constitutional rights and preserving our democracy. Today's new voices are tomorrow's media leaders and citizens; we cannot afford to silence them.

Attached to my testimony are the censorship accounts of many different student journalists from across the state.

-Simon Mehring

Associate Editor-In-Chief  
The Norse Star

608-982-1109

[Simonmehring53589@gmail.com](mailto:Simonmehring53589@gmail.com)



During first period on Jan. 29, a school aide came to the door of my humanities class and told me that I was needed in the office.

At first I did not think anything of it as I was waiting for a letter of recommendation to be dropped off for a scholarship application. Much to my surprise, though, I found myself in the principal's office. I was told that I was not allowed to write about a particular topic for the school newspaper. Sadly, this was not the first time I was censored this year.

That is why I feel compelled to endorse new legislation proposed by a group called New Voices. Free speech and free press are protections granted to every U.S. citizen by the Constitution. Recently, the national New Voices campaign has ignited a call to state legislatures to extend and protect these freedoms to high school journalists.

A 1988 Supreme Court ruling granted censorship powers to public school officials over district-sponsored publications. However, states reserve the ability to protect students' free press rights if they choose under the ruling.

For example, a measure in North Dakota specifies that censorship of student journalism (district-sponsored or independent) can only be applied if pieces contain slander, invade privacy, violate state/federal law, violate school policy, or interfere with school operations.

Legislation of the same caliber is being called for in Wisconsin by the New Voices group. Nationally, support for such actions has spread across partisan lines. The freedoms of the press and speech have been nationally deemed as imperative rights to protect for all citizens, including student journalists. As a student journalist in West Bend, I have experienced first-hand the type of censorship this legislation would guard against.

First I was told that I could not cover student concerns when a West social studies teacher was controversially placed on administrative leave a week before semester exams in January. Although my intention was simply to present student viewpoints, I was told that due to personnel issues, I could not cover the story.

Most recently, I was denied the opportunity to write about a possible overhaul to the English curriculum because at this point it is "not a student-interest piece." When I asked the administrator how curriculum could be considered not a student issue, I was told that it is not at this point, and the committee making these decisions should be able to work through them without outside interference.

In other words, I was forbidden to report the facts related to issues that students, residents, and other local media were already extensively discussing.

A more grim interference, however, lies not within my rights as a journalist but within my desire and rights as a student to both learn and practice authentic journalism.

As a newspaper, the staff of *The Current* has decided to pursue serious acts of journalism rather than list bulletin board highlights. We are not here to cover the score of the basketball game or what is for lunch this week. As editor in chief, I have been told by administrators that maybe we should write about "good" stories. We do run "positive" stories, such as a recent article about the talent show and an

upcoming article about random acts of kindness. Sometimes, though, what needs to be reported on are not heartwarming topics, but more serious and possibly controversial topics.

We are here to investigate stories that students want to know about or what students should become informed about. As I wrote earlier this year, we are not a publicity arm for the district. We are a body of independent thinking student journalists who wish to simply represent and cater to our community audience. True journalism brings stories forward that must be brought to light. Serious journalists engage in investigation, not cheerleading.

Beginning last year and reaching new heights this year, the writers of *The Current* have faced new hurdles from the office. Personally I have been muted regarding two topics, and other writers have faced interference, too. For example, the office has required some articles be read and authorized by administrators prior to publication.

This is an entirely new circumstance for *The Current*, which historically has been allowed to exist as an independent, responsible body of student reporting and a vehicle for teaching authentic journalism. According to adviser Eric Belmann, there has been more administrative interference this year than in the previous 12 years of his advising tenure combined.

This year the office has repeatedly asked me, "Are students really interested in this?" or "Do students really talk about this?" I am always surprised, because those questions make apparent how much district officials are out of touch with student concerns and our readiness to think critically about serious matters.

Almost every *Current* meeting is filled with students expressing awareness and curiosity towards topics such as administrator turnover or changes to curriculum, and there is a void of serious motivation to report on trivial events. As a student in the hallways, in the cafeterias, and in classrooms, I hear fellow students speculate and voice their concerns. As a student myself, I feel as though few of my questions or concerns are acknowledged.

I want to explore serious stories and apply the skills I have gained by being a student in this district. Unfortunately, my learning is too often hindered by the same officials who are, I believe, charged with nurturing my learning environment.

Based on my experiences this year, I feel as though protection must be extended to me and my fellow student journalists. I firmly believe that journalists have a responsibility to practice ethical journalism and present a story that can prompt independent interpretation and inform the public. These practices and the ability to carry them out is first gained at school, a place where all learning should be cultivated.

Unfortunately, true educational growth might require a legislative watch dog to protect student journalists from the kind of censorship I have faced this year.

I deem censorship a crucial learning barrier that must be torn down, and therefore urge all readers to support the New Voices proposal to protect student journalists in Wisconsin.

-Lauren Sorensen, former Editor in Chief of *The Current*, West Bend High School

I joined my school's newspaper at the beginning of my Sophomore year, a time in my life ruled by insecurity and a lack of identity. During this vulnerable time in my life, I was searching for a sense of community and belonging. It wasn't long until I started looking forward to that class, and over time, I began to feel more confident in myself, learned the importance of my words, and made valuable connections.

Over three years, I took on numerous leadership positions and eventually rose to the role of Editor-in-Chief. I consistently held myself and my staff to an incredibly high standard because it felt like a disservice to them not to. I saw their potential, and by the end of the year, it was gratifying to see those qualities in print. Having the opportunity to excel as a leader in high school is incredibly important. I mean a true leader: someone who can make decisions that have an impact, who is listened to and trusted with responsibility. It was empowering to be treated like a smart, complex individual in the classroom instead of just another kid.

Student journalists shouldn't have to fear losing funding or support just for expressing themselves or covering certain topics. Every member of my publication was well-versed in journalistic ethics and spent entire class sessions maturely discussing certain controversial topics. These journalists were receptive to critiques and fully aware of the impacts their articles may have. Students need spaces like this where they can think freely and critically instead of simply being told "no".

How can we expect students to make meaningful changes if they are stopped from following what speaks to them?

How can we expect students to be critical thinkers while asking them to follow policies blindly?

How can we expect students to become independent adults if we don't allow them to grow into that person now?

That's the beauty of the New Voices Bill: it promises to protect the First Amendment Rights of high school and college newspapers. This means that students can write even deeper, more impactful pieces and be trusted with their words and impact. Student publications all over Wisconsin are having their voices suppressed with prior review policies and blatant censorship. Even publications with independent policies are prone to suffer from self-censorship due to the fear that school administration could take those rights away at any moment. Students should be free to meaningfully and constructively critique institutions, conventions, and policies without fearing punishment.

If you want young people to do incredible things, you need to trust them. Cultivate their curiosity instead of suppressing it. It's a gift. This inhibition of free speech has harmed too many students. Please support AB 551 and protect First Amendment Rights for all in Wisconsin.

-Ava Parr, Former Editor in Chief of The Norse Star, Stoughton High School



Authority is a good thing. As a student you are trained to respect and obey those in a position above you, but what happens when those in authority overstep their bounds? What happens when power is abused? These were questions that, up until my junior year of high school, I had not ever needed to ask myself.

As the head editor of our student newspaper at Spooner High School, I went about the normal procedures for selecting topics to cover in the first issue of the paper. During the editing period, the teacher informed the class that our newspaper would now be subject to administrative review, in which the school principal and the district PR/Communications Specialist could mark up the issue with a red pen before printing would be allowed. This practice had not previously been done in the class. I voiced my concerns to my teacher and was told that, "this is my class and I will do what I want with it."

The suggestions we received back included requests to change content in articles, as well as headings to make them "more positive" and to either "take out or reword" a quote from a student. All of the changes to make the issue more positive were done, but the quote was left as is, per my and the writers refusal to cross that ethical line. For the following issue I wrote an article about students' First Amendment Rights under the United States Constitution. When my teacher saw this article, she refused to let it go to the administration for edits, claiming that the topic did not pertain to students.

She then proceeded to ask, "what rights do students under eighteen really even have?" Later in the year I was removed from my position, and the following year the newspaper was cut as a whole. In the pursuit for a voice, I was amazed to see that there were people around every turn to try and silence me. What I found even more shocking was that the people in greatest opposition to my plea for my rights to be respected were my principal, school administration, and teacher, the people who were supposed to be there for me the most as a student.

-Abigail Melton, former editor of the Rails Xpress, Spooner High School

Pewaukee High School's magazine, The Hook, became one of my greatest passions during sophomore year. Finally having the opportunity to talk about real issues that impacted the student body, I decided to write an opinion article regarding the sexual education curriculum in our health class. With the full support of my adviser, I attempted to conduct interviews and draft a story that showcased the current class and suggestions for improvement, always abiding by journalistic ethics and keeping the story as balanced as possible.

However, as our administration caught wind of my article, they began to place road blocks all along the journey to publishing. Meetings were held with my adviser, telling her that we were given too much freedom and that controversy shouldn't be discussed in our magazine. Interviews were compromised, the health teacher editing notes I took during the conversation and requiring questions to be sent to them prior. The final draft was sent to the administration, where they picked apart my words and made my story someone else's. Gone was my voice as a reporter- instead, a stripped account was returned to me, unable to be changed in fear of retaliation. I didn't even want to put my name on the piece, as I didn't write it.

The laws of Hazelwood allowed my administration to take the pen out of my hands and write the story in the way they saw fit. The students never saw the truth of my reporting and action was never taken to better our education. My abilities as a journalist were similarly compromised, as I never got the opportunity to truly write my own story for the students, or to learn- yet, isn't that the point of an education?

- Kiley Clarquist Student Journalist for The Hook, Peawaukee High School

Good Morning,

My name is Laura Streyle. From 2015 to 2023, I had the pleasure of advising the student-run newspaper called *The Norse Star* in Stoughton, Wisconsin. I served on the Kettle Moraine Press Association Board for a number of years, completed training in Solutions Journalism in Chicago, and I have taught journalism summer camps for a number of years, as well.

My chest is full of hope today thinking that institutions around the state might benefit from Assembly Bill 551 Relating to: freedom of speech and of the press in school-sponsored media.

The student newsroom in Stoughton operates with a robust policy, one that largely mirrors the language of Bill 551. For decades, the Stoughton district has continued to support student learning by allowing students to do real journalism. They do this by including in the policy verbiage that clearly outlines student, adviser, and administrator roles. Administrators restrain the paper if a story is unlawful and they do not see the stories before printing, advisers help coach students on best practices, and students work diligently to pitch, interview, and report stories that matter.

The hands-on learning in the Stoughton High School newsroom is the kind of learning I want for every student reporter in our state. And I think if you witnessed these kids in action, you would, too. That's why I see this opportunity as a momentous one, and I ask you to support this Bill.

Why is this Bill so important to student journalists and to our state? Well, without prior review by the school, I have seen young reporters use the responsibility and critical thinking that come with authentic decision-making. These are skills that are more important than ever in the modern workplace, and I think we want more of that for Wisconsin. With language in the Bill that specifies the need for a media adviser, this ensures that students are learning ethics, law, and best practices as they navigate the ropes of inquiry, interviewing, writing, and design. This Bill is paramount for education because it does not ask our youth to wait any longer to be engaged citizens - citizens who know how to gather information and make sense of it. Instead, the Bill lets our youth get the best education right now by placing knowledge, responsibility, and opportunities in their hands.

If we want to know what issues are affecting our youth, we might learn something if we read reports gathered by outside groups. But what if we listen as students tell us themselves? Students face real issues every day - the highs and lows of social media, mental health, poverty, and more. Students want to talk and learn about these issues. Supporting an open forum media program gives our youth a voice in a healthy, transparent, and effective way.

I have seen a strong system where kids did not have to ask permission to report about their lives and their world. Instead, they proved to our community time and time again that they care so much about telling the story with fair and full coverage, from an angle that readers can understand, that they write stories we couldn't even have prescribed them to write. If we expect greatness from our students, I watched for nine years how they can surpass greatness. And by greatness, I do mostly mean the final writing - the story that everyone sees. But, by greatness, I also mean greatness in the reporting process. I've watched students initiate meetings with each other to discuss which quotes best represent a source, what design choices will most clearly present a story, and sometimes, a decision that they need to completely re-write a story to make sure they get it right. I'd like to mention that some of these great things happened even amidst the pandemic - a time when students were struggling to be engaged across the board. These students truly care about their peers, their community, and their work. If administration is making the calls, I'd imagine this robs students of these invaluable experiences. Graduated student journalists come back to me time and time again to share how much being on the paper helped them, and I wish that for every student, at the secondary and college level, in Wisconsin.

With that said, I urge you to join multiple other states who have done so and support Assembly Bill 551 to help preserve our democracy and to help guarantee a better present and future for our youth.

Thank you to the committee for the opportunity to speak and for the work you do to serve our state.



DATE: October 26, 2023

TO: Members of the Assembly Committee on Colleges and Universities

FROM: Jeff Buhrandt, Vice President of the Universities of Wisconsin Office of University Relations

RE: Testimony on Assembly Bill 551

Thank you, Chair Murphy and committee members, for providing the Universities of Wisconsin an opportunity to testify on Assembly Bill 551.

Freedom of the press and freedom of expression are not only individual rights enshrined in the U.S. Constitution, but are fundamental to the vitality of our institutions of higher learning. The Universities of Wisconsin Board of Regents (BOR) has a longstanding commitment to ensuring these rights are upheld for all students.

Student media outlets such as school newspapers, are already independent from university leadership and the BOR. Neither the BOR nor campus leadership can dictate editorial content to student publications. This is outlined in Regent Policy Document 30-2 (RPD 30-2), that requires student outlets to put a disclaimer on all communications stating that it is written and edited by UW students and that any content of the publication is solely the responsibility of the students. Under this policy, each UW Chancellor has a duty to inform students of their legal responsibility for the content of these publications. RPD 30-2 is attached to this testimony.

Additionally, the BOR's commitment to academic freedom and freedom of expression is outlined in Regent Policy Document 4-21 (RPD 4-21). RPD 4-21 outlines the BOR's commitment to academic freedom, provides procedures for violations to this policy, and requires UW campuses to annually provide notice of this policy to students and employees—in addition to providing this information to incoming freshman and transfer students. Specifically concerning written communications, RPD 4-21 states: "These freedoms include the right to speak and write as a member of the university community or as a private citizen without institutional discipline or restraint, on scholarly matters, or on matters of public concern." RPD 4-21 protects the free speech rights of the student body in both spoken and written communications.

Currently, student media are independent entities without administrative oversight to ensure freedom of the press. This is enshrined in RPD 30-2, outlined above. The bill would instead require a more prescribed policy that would have administrators more involved in the student free press organization. The bill purports to completely take away editorial control if the editor or director of the media is a "media advisor". In that case, the bill restricts the "institution" from exercising prior restraint to tell a student journalist that they can't publish something unless it falls under First Amendment exceptions of libel,

(Cont.)

privacy invasion, obscenity, incitement, or violation of state or federal law. In that situation, a student could not be held accountable by a media advisor for writing something different than what was asked or what was consistent with the theme of the publication, for example.

The intent of AB 551 is to ensure the rights of student journalists are being respected. This legislation would lessen the editorial independence of student outlets by creating a BOR policy as outlined in the legislation. Putting an independent outlet under institutional administrative oversight could lessen student journalists' freedom of press rights.

Universities of Wisconsin shares the bill's authors commitment to freedom of the press on our campuses. However, we believe that our adherence to constitutional law is best suited for upholding this commitment. Universities of Wisconsin and the BOR have a robust, longstanding commitment to freedom of the press and freedom of expression. Our current policy recognizes that each institution has a "solemn responsibility not only to promote lively and fearless exploration, deliberation, and debate of ideas, but also to protect those freedoms when others attempt to restrict them." We remain committed to ensuring that all members of our institutions can live, work, and learn in an environment that actively promotes civility, academic freedom, and rights to freedom of expression.

Thank you again for the opportunity to provide testimony on AB 551.





## Board of Regents REGENT POLICIES

### Regent Policy Document 30-2 (formerly 75-6) Student Media Disclaimer

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## Scope

This policy applies to all UW System student press publications, including websites and other electronic publication mediums, subsidized by university resources, and that are not subject to editorial control by the UW System or any UW System institution.

## Purpose

The purpose of this policy is to establish procedures related to the responsibility for the editorial content of student press publications.

## Policy Statement

The following statement shall be carried in the masthead of all editions of those newspapers, or on the main page of any news websites or other similar electronic news distribution platforms (such as Facebook, Twitter, Instagram, etc.) (collectively “student press publications”) prepared by and for the students of any University of Wisconsin institution and subsidized by funds or facilities under jurisdiction of the University of Wisconsin System or its institutions:

*The (name of publication) is written and edited by students of the University of Wisconsin (name of campus) and they are solely responsible for its editorial policy and content.*

Each UW Chancellor or his or her designee shall inform students who edit or write for a student press publication subsidized by university resources of the legal responsibility for the content of those publications.

Each UW Chancellor, or designee, shall also provide guidance to student press publications subsidized by university resources describing best practices for managing liability, including information regarding liability insurance for student publications.

## Oversight, Roles, and Responsibilities

The UW Chancellor of each UW System institution is responsible for ensuring the institution complies with this policy.

*History: Res. 1066 (adopted 8/15/1975) rescinded Wisconsin State Universities resolutions 3629, 3694 and 3710; Res. 11372 (adopted 02/07/2020) amended RPD 30-2.*

### OFFICE OF THE BOARD OF REGENTS

1860 Van Hise Hall  
1220 Linden Dr.  
Madison, WI 53706

Assembly Committee on Colleges and Universities:  
Public Hearing on Assembly Bill 551, Oct. 26, 2023

My name is Matthew Smith. I am a journalism teacher at Fond du Lac High School, where I am the adviser for the student newsmagazine, the student broadcast channel and the yearbook, and I currently serve as the president of the Wisconsin Journalism Education Association. I have a journalism degree in addition to a masters of education and worked as a reporter for a number of years before becoming an educator.

I'm here to voice my strong support for Assembly Bill 551, and I believe I have a pretty simple reason for wanting a law that outlines specific speech that is unprotected and then places the burden of decision-making on the students at both the secondary and college levels: it works.

I currently have the privilege of working in a district that does not seek to implement artificial constraints on student voices. The district makes it clear to us that student learning is the priority and that we are to attempt to hold ourselves to the highest standards of journalism possible. I make it clear to my students that our job is to seek truth responsibly and help our community understand itself. And my students, time after time, make it perfectly clear that they want to make the world a better place and to become the best they can be. It works.

Controversy can happen. Mistakes are sometimes made. Lessons are learned. We get better every single year, and it's clear to anyone paying attention that we are producing stronger reporters, stronger writers, stronger leaders and stronger citizens than we possibly could if we stripped students of these opportunities.

Not everyone lucks into a situation like this. Part of the problem is that trust is difficult and the instinct to control what you can is a strong one, even if your intentions are good. Years ago my district briefly required all student journalism to be reviewed and approved by the principal. The experience was a failure at every level. Because press rights can be murky for those inexperienced in the field (largely because of the lack of laws such as this), getting the approval of the principal could take forever. Officials required removal of work for unspecified reasons and demanded changes the students knew violated the professional journalistic practices taught as part of the curriculum of the class. Students focused more on what they thought the principal might "like" (or in many cases just gave up on trying, altogether) and much less time perfecting the craft of journalism. Those tasked with teaching students to think for themselves had inadvertently demanded to think for them. This does not teach *journalism*. It does not teach *citizenship*. It doesn't prepare students to succeed in a future where it's more important than ever for them to practice using their voices in powerful and responsible ways at a young age. Instead, it teaches them that authority figures get to decide what ideas can be discussed, whose opinions are correct and whose truth actually matters. In the end, the headaches caused by these guidelines created a far messier and more dangerous situation than anything the student work, alone, could have. In short, it did not work.

*Freedom of speech for student publications creates citizens who are experienced* problem-solvers, who take care to use their voices for the right reasons and in the right ways. And it does this without limiting a school's ability to prohibit illegal or harmful speech. It simply holds student journalism work to the exact same standards as all other, non-journalism speech in the building. It works for everyone, and it has done so in many schools across our state and in many other states all across our country for many decades. All our students deserve the same dignity and opportunity.

Thank you.

Matthew Smith  
220 Coffman Avenue  
Fond du Lac, WI 54935  
[matthewssmith17@gmail.com](mailto:matthewssmith17@gmail.com)

I urge the members of the Committee on Colleges and Universities to pass Assembly Bill 551 out of committee. As a student journalist myself—and one who recently received the national Courage in Student Journalism award for protecting student free press against an overreaching school administration—I know how urgent and important it is to protect free expression by students in public schools. Student journalists are the backbone of their communities, providing reliable and verified information to students, parents, teachers, and community members when they need it most.

Through participation in school-sponsored media, students develop critical thinking skills, become more civically engaged, and see their writing, test scores, and grades increase. Those lifelong lessons, and that crucial information source for communities, shouldn't be abridged just because a publicly employed school official censors a story in the newspaper they are upset about. Censorship of students by school administrators is unacceptable, and can prove the difference between informed and misinformed communities, accountability and apathy, and clarity and harmful ambiguity. In a time when reliable local journalism is struggling, student journalists stem the flow of misinformation which is all-too-readily available to students and ensure accountable schools. This bill protects freedom of press while also placing reasonable restrictions to ensure students follow rigorous ethical and legal standards in their reporting.

Seventeen states of every political stripe have already passed common-sense, bipartisan laws similar to the one before this committee today. Wisconsin should be the 18th. AB 551 protects both public high school and college students, and I encourage you to support the bill—and, in turn, student journalists—as it seeks to ensure that freedom of speech is preserved, defended, and promoted in Wisconsin.

Please feel free to contact me with any questions or concerns at [kellenhoard@gmail.com](mailto:kellenhoard@gmail.com) or 425-419-3633.

Thank you,  
Kellen Hoard

Dear Representative Nedweski,

My name is Kellen Hoard, and I am a college student journalist. I am emailing today to urge you to support AB 551 when it appears tomorrow in front of the Colleges and Universities committee. As a student journalist myself—and one who recently received the 2022 Courage in Student Journalism award for protecting student free speech against an overreaching administration—I know how urgent and important it is to protect free expression by students in public schools. Student journalists are the backbone of their communities, providing reliable and verified information to students, parents, teachers, and community members at large.

Through participation in school-sponsored media, students develop critical thinking skills, become more civically engaged, and see their writing, test scores, and grades increase. Those lifelong lessons, and that crucial information source for communities, shouldn't be abridged because a publicly employed school official censors a story in the newspaper they are upset about. Censorship of students by school administrators is unacceptable, and can prove the difference between informed and misinformed students, accountability and apathy, and clarity and harmful ambiguity.

AB 551 protects against both public high school and college students, and I hope you support the bill—and, in turn, student journalists—as it seeks to make sure that freedom of speech is further preserved in Wisconsin.

Please feel free to contact me with any questions.

Thank you,

Kellen Hoard

Dear legislatures and committee members.

I am a student journalist at Indian Trail High School and Academy in Kenosha, Wisconsin. I am a member of the Yearbook and Newspaper publications The Blaze and The Pulse. As a student journalist, I write about topics that need to be discussed on behalf of the student body and for the student body. Unfortunately, student journalists are not held to the "*Tinker* Standard" like our peers are. Since we are not held to the "*Tinker* Standard" our articles can be censored and pulled at a moment's notice by our administrators. The only reason our administrators can do that is because of the language from *Hazelwood*. We need Assembly Bill 551 in Wisconsin for all student journalists no matter what level they are at. New Voices is already in place in Arkansas, California, Colorado, Hawaii, Illinois, Iowa, Kansas, Maryland, Massachusetts, Nevada, New Jersey, North Dakota, Oregon, Rhode Island, Vermont and Washington. Every student journalist should be raised to the "*Tinker* Standard" and be allowed to report on the necessities without worrying about our stories being pulled because of the broad language from *Hazelwood v. Kuhlmeier*.

- Amra Isaki





**TESTIMONY IN SUPPORT OF AB 551 - FREEDOM OF THE PRESS IN SCHOOL-SPONSORED  
STUDENT MEDIA  
October 26, 2023**

The Student Press Law Center (SPLC) stands in strong support of this legislation. We regret that we cannot attend the hearing in person, but would be happy to answer any questions or concerns the committee may have regarding this legislation or other student press freedom matters - our contact information is below.

SPLC is an independent, non-partisan organization that supports, promotes and defends the press freedom and First Amendment rights of student journalists and their advisers. Our free legal hotline provides services to students and teachers across the country. As such, we see daily the significant need for such legislation, a version of which is now law in seventeen states.<sup>1</sup>

For nearly 35 years, Wisconsin's schools have wrestled with a U.S. Supreme Court decision, discredited by every journalism education organization in America, that teaches them self-doubt and the importance of public relations over truth, grants them less freedom than every other student on campus simply because they are journalists, and places advisers at risk of professional consequences for supporting their students' rights.

In *Hazelwood School District v. Kuhlmeier* (1988), the Court ruled that K-12 student media censorship must be "reasonably related to legitimate pedagogical concerns." Unfortunately, what constitutes "legitimate pedagogical concerns" has never been clarified or widely understood.

In contrast, all student speech is held to the so-called "*Tinker* Standard," a precedent stemming from the U.S. Supreme Court's *Tinker v. Des Moines* (1969) ruling that student speech cannot be censored unless it violates state and federal laws (including those against libel and slander, as well as privacy and copyright laws) or materially or substantially disrupts the school environment. That is the standard this legislation seeks to restore for student media. (We note that higher education students generally retain full First Amendment rights, although adoption of this legislation would make that crystal clear.)

While a student journalist adhering to proper journalistic procedures is unlikely to stumble over the *Tinker* Standard, students are censored under *Hazelwood* for writing stories that administrators at another school would never contend violates any legitimate pedagogical standard. *Hazelwood* remains, three decades after the Court's ruling, an arbitrary and capricious standard that causes confusion among student journalists and school administrators alike. This legislation would resolve that confusion.

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<sup>1</sup> Arkansas, California, Colorado, Hawaii, Illinois, Iowa, Kansas, Maryland, Massachusetts, Nevada, New Jersey, North Dakota, Oregon, Rhode Island, Vermont, Washington and West Virginia.



Nationwide, SPLC has seen yearbooks censored because students wore MAGA shirts or the swim team wore bathing suits, newspapers censored for reporting on graffiti visible to all students, and administrators restricting pieces providing oversight into the administrators' own activities. Award-winning advisers have been reassigned or fired for refusing to infringe upon students from reporting on, among other things, the high cost of feminine hygiene products, a vigil for a current student, the improper withholding of documents relating to an administrator's resignation, and curriculum changes.

In 2014, for instance, Fon du Lac high school imposed a prior review policy following a the school paper's reporting on the impact on sexual assault survivors of rape jokes. The policy was then used to censor an illustration about the prior review policy, as well as multiple parts of the final issue that year. (The policy was changed after SPLC intervention.)

The result of *Hazelwood* censorship is not that students do not grapple with the issues that make adults nervous, it is simply that they do so disempowered by their administrators and informed by rumor and social media algorithms instead of rigorous fact-checking and journalistic ethics. Students learn that adults believe them incapable of the sort of discourse we expect them to engage in the moment they graduate.

We recognize there are instances in which administrators may need to exert authority to keep their students safe and the school day orderly. AB 551 protects that authority; school officials can step in, for example, when there are concerns about an unwarranted invasion of privacy, or the media will be demonstrably disruptive to the school environment - the "*Tinker* standard." AB 551 merely ensures that students are no longer censored for subjective or ambiguous reasons, enables student journalists to tell the truth without fear of reprisal, protects capable and supportive advisers, and allows Wisconsin's schools to fulfill their mission to produce the engaged thinkers ready to be our next generation of leaders.

Wisconsin will join the seventeen states that have already enacted similar student press freedom laws. The verdict is clear; these laws do not impact the safety of the school or keep administrators from intervening when necessary. In no state has there been an outbreak of unethical journalism. No school has had a libel lawsuit. (In fact, libel lawsuits against high school student journalism programs are exceedingly rare; to date, we are aware of no published libel lawsuit in the country holding a school district liable for work published by its student media.)

Thank you for your support of AB 551, and Wisconsin's student journalists.

SUBMITTED BY: Hillary Davis, Advocacy and Organizing Director  
[hdavis@splc.org](mailto:hdavis@splc.org)

Oct. 25, 2023

Rep. David Murphy, R-Greenville  
Room 318 North  
State Capitol  
P.O. Box 8953  
Madison, WI 53708

Rep. Murphy:

As the former executive secretary of the Northeastern Wisconsin Scholastic Press Association (NEWSPA), a founding member of the Wisconsin Journalism Education Association (JEA), and as adviser to the UW Oshkosh student newspaper, The Advance-Titan, I wholeheartedly support Assembly Bill 551, which would protect student First Amendment rights by stipulating that student journalists are responsible for determining the content of student publications at public secondary schools and colleges.

As you know, the proposed bill would ensure that students at every school can ask questions about and report on topics that are important to them and their communities without fear that their choices will be made for them or removed altogether. It's more important than ever that our institutions put learning first and foster environments that develop critical thinking and communication skills our students will need to succeed in future workplaces and as future citizens in a democracy.

In addition, this legislation would restore the Tinker standard for all students, in that student speech would be protected unless it is libelous, an invasion of privacy or creates a "clear and present danger" of a "material and substantial disruption" of the school.

Recent cases in Wisconsin have shown this legislation is necessary to protect student journalists. As recently as 2019, the North Star, Oshkosh North High School's student newspaper, was the victim of administrative censorship when the school took down a factually accurate story regarding the suspension of the assistant principal. On top of this, the school pressed the student to reveal an anonymous source and subsequently established a prior restraint process on the paper, two further blatant violations of the publications First Amendment rights.

In another case a few years earlier, the staff of the Cardinal Columns, the Fond du Lac High School newspaper, had to fight fought back when their administration imposed a restrictive policy of prior review after the publication of a story on rape culture.

The timing is right; please support Assembly Bill 551 and let student journalists do their job.

Thank you for your time. If you have any questions, please don't hesitate to contact me at [benish@uwosh.edu](mailto:benish@uwosh.edu).

Sincerely,

*Barbara A. Benish*

1705 Graber St.  
Oshkosh, WI 54901

Hello,

I'd like to reach out regarding Assembly Bill 551, facing a hearing tomorrow (10/26). Unfortunately, I am unable to attend the hearing, yet as a current high school student, I would like to bring to light my own experiences of censorship. Last year, I authored and posted an article regarding discrimination against the LGBTQ+ community in our school. This article was not well received and certain quotes were asked to be removed. Not to mention, counselors at our school asked us to write a follow-up, which would be reviewed and edited by them prior to posting. While I understand the need to allow for the overseeing of student publications, because of this instance, I feel at odds with those who tried to restrict said article, and am slightly concerned as I begin to draft a second. Please take this into consideration as you draft and vote on this new bill. Thank you.