



NEW YORK STATE SENATOR

Thomas F. O'Mara

O'Mara and Lupardo introduce expanded 'Student Journalist Free Speech Act' (UPDATED with Capital Tonight interview on February 28)

THOMAS F. O'MARA February 15, 2018

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The role and the responsibility of a free press in American democracy is one of the most timely and serious examinations taking place in our society today

Elmira, N.Y., February 15 –New legislation introduced State Senator Tom O'Mara (R,C,I-Big Flats) and Assemblywoman Donna Lupardo (D-Endwell) would expand First Amendment rights for high school and college journalists by creating the “Student Journalist Free Speech

Act.”

The proposed legislation, stemming from the student-led "New Voices" movement, would give student journalists editorial control over their publications. Currently in New York State, school administrators have final say in what is published.

O'Mara said, "The role and the responsibility of a free press in American democracy is one of the most timely and serious examinations taking place in our society today. I'm hopeful that the introduction of this legislation will help constructively and instructively contribute to the discussion and, especially for aspiring journalists and their instructors and mentors, help heighten their appreciation and understanding of the First Amendment, the working press, and the protection and preservation of this ideal moving forward into the 21st century. I have appreciated the enthusiasm and input we've received from administrators, instructors, and students at the Corning Painted-Post High School."

Lupardo said, "Student reporters are the next generation of journalists. It's a difficult time to be a journalist as media across the country have come under attack. Having more control over what they publish will support journalistic integrity and independence which is what we need in a democratic society. I look forward to constructive debate as this legislation advances."

The "Student Journalist Free Speech Act" ([S7721/A9801](#)) is the result of a grassroots movement known as "New Voices" which was initiated by student journalists and their academic supervisors. Legislation ([S7355/A8333](#)) was first proposed in New York by Assemblyman Phil Palmesano and O'Mara, whose legislation provided free speech protections to public high school students. The expanded O'Mara-Lupardo measure affords protections to journalists at the high school and collegiate level, both public and private.

Last year, Palmesano and O'Mara were invited to hear more about the "New Voices" movement from **student journalists at the Corning-Painted Post High School**. The legislators met with the students, their supervisor Mark Simons, a media and ethics instructor at the high school, and school administrators, and subsequently agreed to introduce and sponsor the legislation in the Legislature.

The Supreme Court's 1988 *Hazelwood v. Kuhlmeier* decision gave school administrators the ability to review, and ultimately censor, student publications. The Lupardo-O'Mara bill would still protect schools by exempting speech that is "libelous, an invasion of privacy, or incites students to commit an unlawful act, violate school policies, or to materially and substantially disrupt the orderly operation of the school." Currently eight states have enacted legislation to protect journalists at public and private high schools and colleges; six more have protections in place for just high school reporters.

Read more about New Voices at <https://newvoicesus.com/>.

[UPDATE, February 28: Senator O'Mara and Assemblywoman Lupardo appeared on "Capital Tonight" with Liz Benjamin to discuss their legislation. Watch a replay of the interview, **"Lawmakers seek to protect student journalists with free speech act"**]