

**VERMONT PRESS ASSOCIATION and NEW ENGLAND FIRST AMENDMENT COALITION  
JOINT STATEMENT REGARDING BURLINGTON HIGH SCHOOL NEWSPAPER CENSORSHIP**

*Sept. 13, 2018*

The Vermont Press Association and New England First Amendment Coalition condemns the Burlington School District and its High School administration for ignoring an important Vermont education law enacted to ensure First Amendment protections for journalism students and teacher/advisers.

The condemnation comes after BHS Principal Noel Green made an ill-advised demand that an accurate news story in the student-run newspaper, *The Register*, be removed from its website on Tuesday. The story focused on the Vermont Agency of Education filing six counts of unprofessional misconduct charges against BHS Guidance Director Mario Macias.

The four student editors, who broke the story, used public records to document the story. The charges include incompetence, falsifying a student transcript, mistreatment of employees, improper release of student information to a third party and improper treatment of a college student, who was working as a substitute teacher. Macias denies any wrong doing, but the Education Secretary wrote that he wants to suspend Macias' educator's license for 364 days.

The four student editors, fearing retaliation by the district against their BHS teacher/newspaper adviser, reluctantly removed the story at least temporarily. The VPA and NEFAC are asking for four corrective steps to this censorship case. We ask:

- (1) The Burlington School District to repost the news story about the AOE investigation and administrative charges immediately to the Register website and let it remain in the archive;
- (2) The Burlington School District and top administrators agree in writing to follow the Vermont law known as "New Voices" that ensures the First Amendment for students and teachers/advisers without fear of retaliation;
- (3) The Burlington School District work with the VPA and other First Amendment groups to sponsor training for at least northwestern Vermont school district leaders so there is not a repeat performance in Burlington or a nearby school;
- (4) The Burlington School District, Superintendent Yaw Obeng and Principal Green each to write letters of apology to the student journalists for misunderstanding/misinterpreting an important student education law.

The Vermont Legislature worked hard on the so-called "New Voices" legislation that is designed to protect student journalists and their teacher/adviser from retaliation by school officials for printing certain stories. The legislation was signed into law in May 2017 by Gov. Phil Scott after strong backing by both the House and Senate (unanimous vote).

There is a certain bit of irony in this legislation and censorship case. Among those offering key testimony to the Legislature last year were a couple of editors from the Burlington High newspaper talking about past problems of prior restraint, censorship and other First Amendment issues caused by Burlington School officials. BHS students testified they had received pushback and often had stories read by top school district administrators (and censored) before publication.

During the Legislature the BHS editors were joined by student journalists from several schools, including BFA-St. Albans, Woodstock Union and the University of Vermont, along with educators from St. Michael's College, Vermont Law School and UVM offering examples of the need for the "New Voices" legislation. The Vermont Lawmakers in both the Senate and House were struck by the importance that the next generation of journalists be trained now to sort out truth and fiction. It is essential for students to learn critical thinking whether they are going to be journalists, business leaders or politicians at any level.

In this case it was initially unclear if the current Burlington School District administration was unaware of the May 2017 law, which passed the senate on a unanimous vote; or if the BSD chose to ignore the law. It now appears the censorship was due to a complete misinterpretation of one section of the law by the BHS principal. There was no “imminent danger of materially or substantially disrupting the ability of the school to perform its educational mission.” There was no thought of any riot, fight or threat of violence.

The unprofessional charges filed by the Agency of Education are serious. We understand that the BHS Guidance Department has been in turmoil for the past year. That is all the more reason that BHS students and parents should know about this case. The VPA and NEFAC believe this can be a “Teachable Moment” not only for Burlington School officials, but students, educators and school board members across the state.