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TESTIMONY IN SUPPORT OF SB 1056:

Good afternoon Senator McDonald, Representative Lawlor, and members of the Judiciary Committee, including my Representative-Bryan Hurlburt. My name is Patrick Doyle and I'm the Education Manager of the ACLU of Connecticut.

I am here today to express our support for Raised Bill no. 1056, An Act Concerning Students' Right to Free Speech. I commend the committee for putting the bill forward, but can't help feeling a little disheartened it has come to this. 40 years ago the U.S. Supreme court declared that students do not "shed their rights at the school house gate". But, the Avery Doninger case has shown in Connecticut, students actually "shed" their rights far before they arrive at school. That needs to be changed. We need to restore free speech to students. But we should also protect the rights of parents to raise their own children, the rights of faculty to uphold free speech without fear of discipline, and the ability of school administrators to run their schools without the threat of litigation based on student speech. Raised bill 1056 would accomplish this.

Students should exercise the same right to free speech as every other citizen and they must be given an opportunity to meet the academic standards of citizenship set forth by the Connecticut State Department of Education. To accomplish such, this bill must restore the test established in *Tinker v. Des Moines*-that administrators cannot censor or punish student speech merely because it causes administrators to be inconvenienced, annoyed, or embarrassed. Only student speech with a strong likelihood of significant disruption to the education process, i.e. it prevents the school from doing their job, should be proscribed.

Schools should be given leeway to keep the on-campus dialogue civil. This includes prohibiting lewd, vulgar, or indecent speech on campus, as well as editing school-based media (like student newspapers) for professional standards, quality writing, style, and to prevent substantial invasions of privacy. But, schools should not be allowed to censor a school paper or performance because they disagree with the message, want to insulate themselves from legitimate criticism, or seek to prevent revelations about deficiencies in the school.

At the same time, school districts and personnel should not be liable for student free speech protected under the law. Just like adults, the student speaking should be liable for defamatory speech-not their school.

The bill protects faculty members, especially those advising student newspapers and productions-such as plays or art shows. No faculty member who advises students of their rights, refuses to violate the law, or reports violations to their supervisor in good faith should be fired, transferred, or otherwise disciplined for those good faith actions.

At the end of the school day, parents should have the right to teach values and control their children's behavior. The school's teaching mission should not extend into the home to trump the rights of parents to raise their children.

Raised bill 1056 accomplishes all these protections. Additionally, it helps schools and students meet Connecticut's statewide academic content standard regarding the "Rights and Responsibilities of Citizens". That standard states; "Students will demonstrate knowledge of the rights and responsibilities of citizens to participate in and shape public policy, and contribute to our democratic way of life." Resources created by the Connecticut Department of Education suggest high school students meet this standard by demonstrating the ability to:

- ✓ Identify and explain characteristics needed for effective participation in civic life; and Monitor and influence the formation and implementation of policy through various forms of participation.
- ✓ Establish, explain, and apply criteria to evaluate rules and laws, and take a position on a current policy issue and attempt to influence its formation, development and implementation.

A student cannot accomplish these standards without the right to free speech. That's the value of this bill. It allows students to develop into independent critical thinkers, ready to contribute to vigorous democratic dialogue-as the state of Connecticut has put forward in its academic standards.

Thank you.