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for purposes of identification.*

March 30, 2021

Ebony Pugh
Communications Director
Pittsburgh Public Schools District
Via email: epugh1@pghschools.org

Re: Invitation-only press events and curated media outreach

Dear Ms. Pugh,

We are writing on behalf of the Pennsylvania NewsMedia Association (PNA) and the Reporters Committee for Freedom of the Press (RCFP). PNA is the statewide trade association representing the interests of print and digital media organizations in the Commonwealth, and one of PNA's primary missions is to protect the press' constitutional and statutory rights to gather and disseminate news. RCFP is a non-profit organization that provides pro bono legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists across the country.

We are reaching out to learn more about the school district's media relations practices and policies. Several news organizations in the Pittsburgh area have reported that the school district may be conducting invitation-only press events and curating a preferred media contact list used to distribute press releases. To the extent the school district holds invitation-only press briefings or curates a preferred media contact list, it would raise significant constitutional concerns. We would like to understand more about the school district's practices so that we can help proactively address potential First Amendment issues.

As you know, the school district is a government actor for First Amendment purposes, and any limits imposed on First Amendment activity must meet constitutional scrutiny. The school district cannot make media access decisions based on the content of news coverage, media organizations' interaction with school district officials, or the school district's perception thereof. Such action would amount to unconstitutional content-based restrictions on First Amendment activity. Simply put, the school district has a constitutional duty to remain content-neutral when dealing with the press.

In an effort to ensure there are no constitutional issues, we would like to review any policies that govern the school district's interaction with media generally, and more specifically, any policies that govern communications

department employees' interaction with media. Such policies might address subjects such as access to press conferences or other media events, distribution of press releases, on-the-record communications with journalists, and communications department employees' response to media inquiries. We would appreciate you forwarding a copy of any such policies by April 6, 2021.

Our goal is to understand the rules that govern the school district's interaction with the press and to help identify and rectify any potential constitutional issues. We do not believe a formal Right to Know Law request is necessary or appropriate at this stage, but we are willing to submit a formal request if the school district prefers to operate more formally.

In closing, we would remind the school district that press access to media events and materials should be distributed without regard to the content of news organizations' coverage and newsgathering practices. Thank you for your time and attention to this matter.

Sincerely,

/s/Melissa Bevan Melewsky
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/s/Paula Knudsen Burke
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