

## HOUSE BILL No. 2325

By Representative Myers

2-1

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9 AN ACT concerning school districts; relating to student publications;  
10 amending K.S.A. 72-1505 and 72-1506 and repealing the existing  
11 sections.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 72-1505 is hereby amended to read as follows: 72-  
15 1505. As used in ~~this~~ *the student publications* act:

16 (a) "School district" means any public school district organized and  
17 operating under the laws of this state.

18 (b) "Student publication" means any matter which is prepared, sub-  
19 stantially written, or published by students, which is distributed or gen-  
20 erally made available, either free of charge or for a fee, to members of  
21 the student body, and which is prepared under the direction of a certified  
22 employee.

23 (c) "*Student publication committee*" or "*committee*" means the stu-  
24 dent publication committee appointed pursuant to section 2, and amend-  
25 ments thereto.

26 Sec. 2. K.S.A. 72-1506 is hereby amended to read as follows: 72-  
27 1506. (a) The liberty of the press in student publications shall be pro-  
28 tected. School employees may regulate the number, length, frequency,  
29 distribution and format of student publications. Material shall not be sup-  
30 pressed solely because it involves political or controversial subject matter.

31 (b) Review of material prepared for student publications and en-  
32 couragement of the expression of such material in a manner that is con-  
33 sistent with high standards of English and journalism shall not be deemed  
34 to be or construed as a restraint on publication of the material or an  
35 abridgment of the right to freedom of expression in student publications.

36 (c) Publication or other expression that is libelous, slanderous or ob-  
37 scene or matter that commands, requests, induces, encourages, com-  
38 mends or promotes conduct that is defined by law as a crime or conduct  
39 that constitutes a ground or grounds for the suspension or expulsion of  
40 students as enumerated in K.S.A. 72-8901, and amendments thereto, or  
41 which creates a material or substantial disruption of the normal school  
42 activity is not protected by this act.

43 (d) Subject to the limitations imposed by this section *and section 2,*

1 *and amendments thereto*, student editors of student publications are re-  
2 sponsible for determining the news, opinion, and advertising content of  
3 such publications. Student publication advisers and other certified em-  
4 ployees who supervise or direct the preparation of material for expression  
5 in student publications are responsible for teaching and encouraging free  
6 and responsible expression of material and high standards of English and  
7 journalism. No such adviser or employee shall be terminated from em-  
8 ployment, transferred, or relieved of duties imposed under this subsection  
9 for refusal to abridge or infringe upon the right to freedom of expression  
10 conferred by this act.

11 (e) No publication or other expression of matter by students in the  
12 exercise of rights under this act shall be deemed to be an expression of  
13 school district policy. No school district, member of the board of edu-  
14 cation or employee thereof, shall be held responsible in any civil or crim-  
15 inal action for any publication or other expression of matter by students  
16 in the exercise of rights under this act. Student editors and other students  
17 of a school district, if such student editors and other students have at-  
18 tained the age of majority, shall be held liable in any civil or criminal  
19 action for matter expressed in student publications to the extent of any  
20 such student editor's or other student's responsibility for and involvement  
21 in the preparation and publication of such matter.

22 New Sec. 3. (a) The board of education of each school district shall  
23 appoint a student publication committee. One member of the committee  
24 shall be the superintendent of the school district, or the superintendent's  
25 designee. The remaining two members shall be appointed by the board  
26 of education. Of the two members appointed by the board, one shall be  
27 a member of the board of education and one shall be a parent of a student  
28 attending school in the district. The parent-member of the committee  
29 shall be a resident of the district and shall not be an officer or employee  
30 of the school district. The student publication committee shall monitor  
31 the appropriateness of student publications. Prior to publication, the com-  
32 mittee may review material prepared for student publication. If the com-  
33 mittee determines that the material is not appropriate, the committee  
34 may suggest changes to the material. At the sole discretion of the author  
35 of the material and student editor, such material may be published with  
36 or without the suggested changes of the publication committee.

37 (b) The provisions of this section shall be part of and supplemental  
38 to the student publications act.

39 Sec. 4. K.S.A. 72-1505 and 72-1506 are hereby repealed.

40 Sec. 5. This act shall take effect and be in force from and after its  
41 publication in the statute book.