

Approved _____

2/13/89
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Chairman Don E. Crumbaker at _____
Chairperson

3:30 ~~am~~/p.m. on February 27, 1989 in room 519-S of the Capitol.

All members were present except:

Representative Pottorff, excused.

Committee staff present:

Avis Swartzman, Revisor of Statutes' Office
Ben Barrett, Legislative Research
Thelma Canaday, Secretary to the Committee

Conferees appearing before the committee:

Representative Blumenthal

Dr. Dave Adams, Kansas State University faculty member, Director of Student Publications
Mrs. Jackie Engel, Executive secretary, Kansas Scholastic Press Association, University
of Kansas

Ms. Susan L'Ecuyer, Kansas State, Managing Editor K-State Collegian

Mr. Martin Puntney, Managing editor, ARKANSAS CITY TRAVELER

Ms. Eweleen Rhue, Journalism teacher, Pittsburg High School

Mr. Mark Tallman, Associated Students of Kansas

Ms. Susan Hilt, Kansas State University journalism student

Mr. Ron Johnson, Director of journalism, Fort Hays State University

Ms. Angele Buenning, Editor-in-chief, Lawrence High School newspaper

Ms. Susana Coughenhour, Journalism teacher, Shawnee Mission Northwest

Mr. Ted Rippey, University of Kansas student

Ms. Linda S. Puntney, Director Public Relations, Cowley County Community College

Mr. Tony Furse, Great Bend

Mr. Gordon Risk, American Civil Liberties Union

Mr. Craig Grant, Kansas National Education Association

Ms. Pat Baker, Kansas Association of School Boards

Mr. Gerald Henderson, United Schools Administrators

The meeting was called to order by Chairman Crumbaker.

Chairman Crumbaker announced that due to the large number of conferees appearing before the committee he would ask them to be as brief as possible in their testimony.

The chairman opened hearings on HB 2234, concerning the Student freedom of Expression Act. The chair recognized Representative Blumenthal to explain the bill.

Representative Blumenthal said various faculty members had approached him to introduce the bill in an attempt to clarify the first amendment rights in regard to student publications. Representative Blumenthal referred to the Hazelwood case as being instrumental in arousing fears among the students and journalism teachers.

Representative Blumenthal introduced Dr. Dave Adams who in turn presented Mrs. Jackie Engel. Mrs. Engel testified in favor of HB 2234. Mrs. Engel said today's students are demanding to be heard and give their opinions on today's issues. She feels a responsible school newspaper is the ideal situation for students to learn responsibility in expressing opinions on the controversial issues in today's world. Mrs. Engel pointed out the need for competent, trained leadership to oversee the students' work on the school newspapers.

Susan L'Ecuyer shared a resolution that was passed by the Society of Professional Journalists that would encourage state coordinating boards and local school boards to establish policies to encourage free expression in high school publications. Ms. L'Ecuyer urged passage of HB 2234.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

room 519-S, Statehouse, at 3:30 ~~xxx~~/p.m. on February 27, 1999.

Martin Puntney spoke in support of HB 2234. Mr. Puntney said pornographers have greater protection than student journalists. He pointed out school administrators have intimidating power over the students when it comes to giving grades. Mr. Puntney feels the administrators are more concerned with their own comfort than in the students being allowed freedom of expression regarding timely issues.

Eweleen Rhue testified in support of HB 2234. Ms. Rhue said Kansas journalism students need guidance in making the right choices when facing issues. She feels this guidance should come from an adviser trained in the field rather than from an administrator who dreads a possible phone call from one of the patrons of his district. (Attachment 1)

Mark Tallman testified in favor of HB 2234. Mr. Tallman said HB 2234 would provide for a uniform policy about student press rights. Mr. Tallman feels the freedom of student journalists to publish and learn should not vary from school to school, depending upon attitudes of administrators or school boards. (Attachment 2)

Susan Hilt testified on behalf of HB 2234. Ms. Hilt said student journalist are usually from the top scholastic percentile and do act responsibly. She believes they do need guidance but they do not need censorship.

Ron Johnson testified in favor of HB 2234. Mr. Johnson said the smaller schools share problems with administrative censorship as do their counterparts. (Attachment 3)

Angela Buenning favored HB 2234. Ms. Buenning said the students are not rejecting the addition of sponsors to the newspapers, but they are asking to be given the right to determine what goes in the paper in conjunction with the sponsor.

Susan Coughenhour testified in favor of HB 2234. Ms. Coughenhour said she finds it difficult to teach the value of freedom of speech and then in the next breath tell them they will be denied this freedom while in high school. (Attachment 4)

Ted Rippey spoke in support of HB 2234. Mr. Rippey said cooperation, not censorship is needed to teach students to do solid reporting and give fair treatment of controversial issues.

Linda S. Puntney spoke in support of HB 2234. Ms. Puntney said the real reward of journalism is knowing you have done a good job. She believes a positive atmosphere does more to create good journalists than an atmosphere of censorship.

Tony Furse spoke in support of HB 2234. Mr. Furse said he believes the government, which is the state of Kansas, should not abridge any right of freedom of expression, freedom of the press.

Dr. Dave Adams testified in favor of HB 2234. Dr. Adams said he believes it is in the interest of all Kansas citizens and taxpayers to deal with the situation. He feels the reason administrators are opposed to HB 2234 is they are afraid of being criticized by the public.

Mr. Gordon Risk testified in favor of HB 2234 with the exception of lines 40-42 which he suggested removing from the bill. (Attachment 5)

Craig Grant testified in support of HB 2234. Mr. Grant said Kansas-NEA believes school publications are part of the learning process in our schools and the provisions found in HB 2234 would teach responsibility to the students working on a school newspaper. (Attachment 6)

Ms. Pat Baker spoke in opposition to HB 2234. Ms. Baker said in listening to the proponents she felt the bill did not address their concerns. Ms. Baker also had grave concerns about the legality of stating underage students can be held liable in court for libel suits. Ms. Baker urged the committee to give serious thought to the whole issue of freedom of the press and to reject HB 2234. (ATTACHMENT 7)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION,
room 519-S, Statehouse, at 3:30 ~~xxx~~/p.m. on February 27, 1989.

Gerald Henderson testified against HB 2234. Mr. Henderson agreed with the testimony given by Ms. Pat Baker. Mr. Henderson further said he knew of no case in Kansas where the exercise of the authority of supervision placed on the shoulders of building principals had been abused to warrant the legislation proposed in HB 2234. (Attachment 8)

A period of questions and discussion followed the presentation of testimony, after which Chairman Crumbaker declared hearings on HB 2234 closed.

The meeting was adjourned by the chair at 5:00 p.m.

The next meeting will be held February 28, 1989 at 3:30 p.m. in Room 519-S.

DATE February 27, 1989

GUEST REGISTER

HOUSE

EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
Jackie Engel	Ks. Scholastic Press Ass	Wg Ks
Jony Furse	Ks. Schol. Press Assn. President	Great Bend
Susan Stanger	SPS member	K.S.U
David Kyncl	Ks Associated Collegiate Press	Pittsburg State Univ.
Ren Johnson	Director of Journalism	Fort Hays State University
Michael	Royal Purple Mx. Editor	Kansas St. Union
PHIL DUNNIN	TRAVELER	BEK CITY, KAN
Linda Runtz	Cowley County Community College	" " "
Gordon Risk	ACLU	Topeka
Janita Carlson	AGLU	Lawrence
Craig Grant	K-NEA	Topeka
Melle Hise	KACC	Topeka
V.O. Jenzel	Visitor (Retired)	Lawrence, Ks.
Bela Ott	The Planned Parenthood of Ks.	Wichita
Dennis Rich	J.C. Harmon newspaper	Kansas City, Mo.
Louis Powell	J.C. HARMON ASST. Editor	K.C.K.
Brenda Loerskov	Kansas Fed of Teachers	Wichita, Ks
Mary Lou Bowman	Washburn Rural Newspaper Advisor	Topeka, Ks
Ann Bowman		
Cheryl Attkin	Lawrence High	Lawrence
Cameron Meier	" "	"
Helen Lee	" "	"
Angela Bunning	" "	"
Keri Beals	" "	"

DATE 3/27/89

GUEST REGISTER

HOUSE

EDUCATION COMMITTEE

NAME	ORGANIZATION	ADDRESS
Johnny Miller	Lawrence High	Lawrence, KS
Marj Oberman	Rep. Sader's ofc.	Topeka, KS
Mark Tallman	ASK	Topeka
Dave Eye	A.S.K.	Topeka
Steve Dixon	Bowden's Intern	281-w
Bob Wapfhor	Minority Leaders office	302 S
Orin Still	Lawrence High	Lawrence KS
By Miller	LAWRENCE HIGH	LAWRENCE, KS
Lisa M. Fannendiel	Kansas State Univ.	Manhattan
Nancy Hill	" " "	"
Jane DeWeese	Chapman High School	Chapman, KS 67431
Terri Schlabach	Hanover High School	Hanover, KS 66945
Therese Helle	Hanover High School	Hanover, KS 66945
Lou Hymet	Hanover High School	Hanover, KS 66945
Dana Baum	Hanover High School	Hanover, KS 66945
Lisa Synek	Hanover High School	Hanover, KS
Tom Hosty	Washburn Law School	Kansas City, KS
Julie Anthony	Shawnee Mission Northwest H.S.	Shawnee, KS
Theodore F. Rippey	University of Kansas	Lawrence
Susan Coughenour	Ks. Scholastic Pwr Assn. Board Member	Prairie Village, KS
Scott Roberts	S.M. Northwest H.S. Paper Staff	Shawnee, KS
Robert Brown	Legislative Intern	281 W
John Skokop	Salina	Salina, KS

Eweleen Hornbuckle Rhue Journalism Teacher/Adviser
Pittsburg High School Pittsburg, Ks

Thank you for the privilege of speaking to you today. It's an honor to be here and I know you are very busy so I will be as brief as possible.

My name is Eweleen Hornbuckle Rhue. I was born and raised in Pittsburg and after graduating from high school attended Kansas State College for two years. At the ripe old age of 19, however, I was sure the grass must be greener elsewhere and in a whirlwind almost as fierce as Dorothy's, I left the state. After two years I returned and I assure you I BELIEVE THERE IS NO PLACE LIKE HOME! I returned to college and earned a B.S. in Education with a major in English and a minor in Journalism, and last year completed my Master's Degree at PSU. I proudly consider myself a "Kansas Product".

My current situation is somewhat unique in that I advise the same student publications that I worked on in high school. Journalism education in Kansas, however, has come a long way since I was involved as a student 25 years ago. (Thank Goodness!) I'm proud of the program which has evolved at PHS, but I'm not proud of my school district's publications guidelines policy which was put into effect last October, even though I chaired the committee that wrote that policy. It's the origin of that censorship policy that I want to tell you about today.

Last July I went to my classroom to get a yearbook for a community member. As I came out my superintendent and principal were standing near the door and after saying, "Hi," the superintendent said, Oh Eweleen, we've got to get our committee going to write our censorship policy after this Hazelwood thing. I'm sure I looked stunned because I was. He didn't say our policy dealing with censorship, he said our censorship policy. He said, you know after that Hazelwood decision everyone's doing it; at least everyone says you've got to. He said of course he meant that the committee would meet after school started, not right then. No more was said until I saw my ~~superintendent~~ superintendent the first week of school and he said, don't forget, we've got to get on the censorship policy guidelines. I HADN'T FORGOTTEN - I'd thought about it constantly. I asked him to specifically tell me what he expected of this committee and what he wanted the guidelines to include. He said that it was to specifically address the issue of censorship and comply with the Hazelwood decision which gives the principal the right to censor. He said I should pick the committee and could ask anyone I wanted to be on it, but of course, the principal would be a member. He said that I didn't necessarily need anyone from his office or a member of the board.

The committee which met twice included students, area professionals, parents, and faculty members representing each area that involves student expression: speech, debate, drama, creative writing and the library as well as the publications. We had

*Attachment 1
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a member of the board who is a lawyer, on the committee, but not to represent the board or give legal advise but because he was interested and could help interpret some of the legal language of the Hazelwood case for us. The superintendent was proud of us for coming up with the policy recommendation after only two meetings but it wasn't hard. Since the essence of the policy had been pre-established, all we needed was the wording for 4 or 5 paragraphs - and 12 out of 16 of us had advanced college degrees! I would have felt better if the purpose of the committee had been to determine how the community felt about the issue.

I do NOT feel that my superintendent held any personal malice toward me in calling for this censorship policy to be written. I DO BELIEVE that he felt he was doing the job expected of him -- even though when I was asked to give the board a progress report after our 1st meeting a board member said it came as a complete surprise to him that a guidelines committee had been appointed. At that same board meeting I told those present that the guidelines policy was a censorship policy; that I could be a good employee and complete the job assigned me, but that I could not stand before them and say the policy was right because I cannot support censorship anywhere in the United States of America. NO MATTER HOW YOU TRY TO MASK IT OR HOW YOU TRY TO JUSTIFY IT withholding something from print because of an official's belief IS CENSORSHIP. Although the action of censorship and the action of editing done by an adviser and staff produce the same result -- deleting something from print, it is the MOTIVE behind the act that makes ALL THE DIFFERENCE.

At this point we don't have a censorship problem at Pittsburg High. We have never had an incident or controversial publications problem at PHS in the 7 years I have advised. Actually, across the state I would say that the paper and I are considered somewhat conservative! Nothing happened to precipitate the need for a censorship policy. In Fact, the policy the guidelines committee was told to write was not justifiable under the Hazelwood ruling. Hazelwood did not cover papers that are public forums. For more than 15 years the Booster of Pittsburg High has been a public forum. We have class time devoted to instruction of writing the paper. But, the paper is distributed as a supplement to the local newspaper and has a distribution of about 13,000. In addition to school activities student reporters have continually covered local, state and national events. We receive, accept and publish letters to the editor from community members as well as students. And the students sell advertising to justify the printing of the paper - district tax money does not pay for the publication. Many believe the use of Hazelwood as the reason to dictate our district guidelines policy was a mis-USE of the decision.

It is the misuse of this ruling -- or of power at any level that makes Hazelwood type decisions so frightening. We don't want another Hitler's Third Reich. I am not an alarmist but I am a realist. If we don't learn from history, from the atrocities that occur when freedom is lost, then we are foolish. It doesn't take supreme wisdom

just common sense to see the clear and present danger of censorship in the US.

The Hazelwood principal censored based on his belief that the articles in question might be controversial and that in his opinion they were inappropriate for what he called immature high school readers. The articles he questioned dealt with teen pregnancy and effects of divorce on teens. If anything forces me out of teaching withing the next 5 years I predict it will not be the low pay or lunch room duty that's often grumbled about--it will be the pressure of trying to work with youth tremendously troubled by issues I never had to face when I attended PHS. Our high school students are dealing with very mature and difficult issues. In the last 2 years alone I have had students come to me for help because of sexual abuse from a step parent, about an alcoholic parent, about divorce, about pregnancy, about whether or not to have an abortion, about drug abuse, about losing friends trying to stay out of the drug scene, about struggles with parents over values, about severe depression, and expectedly and very frighteningly about suicide. I'm not talking about kids from lower economic families or "at risk" students -- I'm talking about beautiful, bright, talented young people -- governor's scholars -- teens of today facing difficult issues-- teens who should not be told they cannot write about the issues in a responsible manner. I consider it a hypocrisy to have representatives of the Kansas National Guard come to our school and sign up students as juniors, pumping them up about being the leaders prepared to defend our country and to bring Bill Graves down, like last October, to get the students to register to vote for public officials including THE PRESIDENT OF THE UNITED STATES, and then by virtue of Hazelwood say to them, Oh, but please don't think for one moment that you are mature enough to write about the issues with which you are faced daily. I don't want to stand for the state of hypocrisy. I want to stand for the state of KANSAS.

Kansas journalism students need guidance in making the right choices when facing issues. But they need it from an adviser who is trained in the field, one more objective about the overall situation than the administrator who dreads a possible phone call from one who personally disagrees with an issue or just likes to be a squeaky wheel. The burden of the principals and other administrators in this state should be to hire competent, trained journalism instructors and to give them the materials and the support they need to continue to improve this vital part of Kansas students' education.

To conclude simply, I am here today to ask you to support HB 2234 so that student journalism in Kansas will continue to move forward NOT slide down hill. The bill is fair. It gives protection to both students and administrators, and it is in compliance with the press clause of the Kansas Constitution as well as the First Amendment of the Constitution of the United States. THANK YOU.

I will now stand for questions.

a-1-2
2/27/89



JACK BARNETT - Principal

1978 East 4th • Pittsburg, Kansas 66762

Dr. Jerry Steele, Superintendent
510 Deill
Pittsburg, KS 66762

Dear Dr. Steele,

After meeting twice, the Publications' Guidelines Committee believes it has come up with the wording wanted for the USD#250 student expression policy. It will be submitted as a recommendation at the board meeting Oct. 24, as directed.

The board may want to change the underlined, label head as it specifies "School-Sponsored Student Publications," and the overall policy covers all mediums of student expression. The committee did not discuss that headline. The wording I submit below is exactly what the committee accepted at our last meeting, Oct. 3.

Respectfully yours,
Eweleen H. Rhue
Eweleen H. Rhue, chairman
Publications' Guidelines Committee

School-Sponsored Student Publications

School-sponsored student publications shall be under the control and supervision of the building principal and designated faculty sponsor. All material published in school-sponsored publications must have the prior approval of the faculty sponsor and building principal. School newspapers, yearbooks, and other similar communication mediums are school-sponsored activities. The principal and faculty sponsor shall exercise editorial control over style and content of student materials so long as their actions are reasonably related to legitimate educational concerns.

Students are exposed to diverse opinions on an infinite number of topics through the various mass media. Students who have facts and opinions shall be allowed to express them in print as well as through oral communication. However, student editors and writers must observe the same legal responsibilities as those imposed upon conventional newspapers and communication media. Thus, no student shall distribute in school any school-sponsored student publication which:

- Is obscene as to minors according to current legal definitions;
- Is libelous according to current legal definitions; or
- Creates a material or a substantial disruption of the normal school activity or appropriate discipline in the operation of the school.

Each medium shall develop an operating procedure which may include an appeals process.

1973



1988

ASSOCIATED STUDENTS OF KANSAS

15 Years In The Student Interest

TO: House Committee on Education
 FROM: Mark Tallman, Legislative Director
 DATE: February 27, 1989
 RE: Testimony on HB 2234 - Student Freedom of Expression Act

Position

ASK supports the enactment of HB 2234.

On February 25, the ASK Policy Council, composed of representatives from each member student government association, voted unanimously to support the Student Freedom of Expression Act.

Although this bill concerns only high school students and student publications, ASK believes that encroachment of Constitutional rights at the high school level can eventually threaten such rights in higher education. We do not believe that either age or student status justifies limitation on freedom of the press.

We believe this is good legislation for the following reasons. First, because it guarantees to high school students the same press freedoms that they enjoy as citizens. Only the freedom to exercise rights can teach students the responsibilities that accompany such rights.

Second, it establishes that school-supported student publications should truly be learning tools for student journalists. When school administrators have the right to censor unpleasant or inconvenient factual stories or opinions, the school newspaper is essentially reduced to a publication that belongs in the district's public relations office, using students as unpaid labor.

Third, it clearly states that students are responsible for abuses of such rights. This bill is not a license for irresponsible, harmful actions; it simply forbids arbitrary censorship.

Fourth, it removes from school districts and their employees liability for free student expression. We believe this eliminates the legitimate reason for concern school administrators might have about this issue.

Fifth, the bill would provide for a uniform policy about student press rights. We do not believe that the freedom of student journalists to publish and learn should vary from school to school or district to district, depending upon attitudes of administrators or school boards.

In short, we believe there is no good reason to oppose this bill, and many good reasons to support it. We urge your favorable consideration.

Suite 407 • Capitol Tower • 400 S.W. 8th St. • Topeka, Ks. 66603 • (913) 354-1394

The Student Governments of the Regents Institutions

Emporia State University • Fort Hays State University • Kansas College of Technology • Kansas State University • Pittsburg State University • University of Kansas • Wichita State University

Attachment 2
House Education 2/27/89

HOUSE EDUCATION COMMITTEE

2/27/89

rej

Crumbaker
Rep. ~~Crumpacker~~ and distinguished
members of the education committee --

You've heard several perspectives
already on the Student Freedom of
Expression Act, House Bill 2234.

Just what can I contribute?

First, as director of journalism at Fort
Hays State University, I would like to
emphasize that student expression is not a
right exclusive to student journalists in
Wichita, Topeka and Johnson County.

We're all in this together.

Students in the 3A, 2A and 1A schools
across western Kansas face as many problems
with administrative censorship as their
counterparts. And they sometimes do it
alone.

You see, the smaller the school, the
smaller the journalism program -- and the
fewer student journalists there are to support
each other. You have to stand up on your
own for your constitutional rights of free
speech and free press.

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Those of us involved in journalism in western Kansas support House Bill 2234 just as strongly as our colleagues in eastern Kansas. (We just had a few more miles to travel to voice that support.)

The second aspect of my testimony deals with my perspective as a collegiate publications adviser at Fort Hays State.

I am adviser of the University Leader, FHSU's twice-weekly student newspaper, and the Reveille, our 300-plus page student yearbook.

I'm quite proud of my collegiate student journalists. They have full responsibility for the content of our award-winning publications -- the stories, the features, the photographs and so forth.

And a good number of them had their beginnings in public-school journalism, where they got their first taste of freedom of expression.

It was there, in high school, where they learned the mechanical skills of putting publications together. But they also learned of a higher calling, of journalism's important role of service to a readership. Of informing, entertaining and enlightening readers.

So just how does this relate to House Bill 2234?

Once our public high school students are censored, then the scholastic journalism programs that now flourish in Kansas will wither away.

Why go to the trouble of informing your student readers, of taking pride in your high school publication, when censorship looms over you?

Why go the trouble of training yourself in critical thinking, in concise writing, in careful editing, in attention to detail -- skills that will pay off for you the rest of your life?

Why pursue a career in journalism?

I think it's easy to see why college media advisers like me were deeply saddened by the Supreme Court's decision in Kuhlmeier v. Hazelwood. When the Court gave public officials -- school administrators and advisers -- carte blanche to control the content of public-school student publications, they also made the decision to take away important responsibility from students -- students who can learn from managing responsibility.

If censorship in our public high schools is OK, then why not in community colleges? In the universities? In the commercial press?

Yes, I admit, that is an extended generalization. But, we must admit, that all levels of journalism are linked together. When one suffers, they all do.

One of my duties as a journalism professor at Fort Hays State is to train high school journalism teachers.

It's a job that I relish. And, it's quite a challenge.

Advisers and journalism teachers must not only be skilled in all facets of journalism, they must be able to pass those skills on to their students.

And if they are dedicated to a true journalistic experience, they must also resist the temptation to control content.

My philosophy of ^{advising} is simple. You train students thoroughly in reporting and editing. You train them in editorial writing and feature writing. You train them in photojournalism and publication design. You train ~~them~~ ^{Students} to take pride in their work.

You designate the best of the best students to serve in your leadership positions as editors.

And you let the students lead.

When the time comes for those ethical decisions to be made on controversial

decisions, you and your students debate not one, but all sides of the issue. You have your students role play, considering what's at stake for everyone involved.

And you let the students lead.

Too many times in education today, we don't let our students be mature. We don't let them be human. We handle all the crises for them, and along the way, something is lost. We push our children out of the nest without ever making them wrestle with the controversies, the issues that now threaten to engulf our society.

These student journalists that we are now censoring are the leaders of tomorrow.

Let's restore their rights of free journalistic expression. Let's train them in how to handle responsibility.

Thank you.

(Will anyone discuss how administrators are public officials?)
(Will anyone discuss how commercial publishers don't routinely censor their reporters and editors? How, if they did, they would lose their staffs?)

*Compliments of
Chapman HS adviser
Steve Peckase, I have
some examples of quality
student journalism -
Handling today some
tough issues. Thank
you, Steve.*

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As Americans, we live in one of the few countries in the world where we teach our children the value of freedom and the responsibilities that come with those freedoms. Bill 2234 speaks not to the issue of some ~~one~~ high school news story, but, in actuality, speaks to the constitutional concepts that we spend 12 years trying to instill into every student. This is not only an issue about journalism, but an issue about the Constitutional guarantees that we explain to our students on a daily basis. As a teacher, I find it difficult to say to my students, "Cherish and value your freedom of speech, understand that with this freedom comes a heavy burden of responsibility to your readership." ^{but} ~~and~~ then in the next breath I have to add that while they are in high school; ~~however~~, they will be denied the freedom, but still expected to be responsible.

~~Bill 2234 gives students important lessons in some of the realities of journalism without disassembling any of the constitutional guarantees of freedom made to citizens both within and outside of the school building. It allows them to face important decisions regarding news judgement, fairness, objectivity and good taste within the legal constraints of libel, obscenity and disruption of the school process. It allows them to put into practice what they are taught in their government and journalism classes. It requires that students recognize their rights and understand the responsibilities that accompany those freedoms. It also allows the principal to continue to stop the publication of stories which are libelous, obscene, or disruptive to the school process.~~

~~But these are not the most important aspects of this bill.~~ Since the handing down of the Hazelwood decision a little over a year ago, I have seen changes in the attitudes of high school journalists. Censorship by principals is not the only issue of concern. Self-censorship has much more far-reaching implications for our society. I teach in a high school where the student newspaper has never been censored and yet I have seen self-censorship at work in my own students. In considering what to publish in each issue of the newspaper, their criteria is based more on whether or not the article may cause the principal to feel a need to censor rather than based on news values of importance, significance and timeliness. I see my students falling prey to superficial reporting -- reporting only the part of the story that they think will be ^{acceptable} ~~appealing~~ to the principal. Do we really want to instill at this age an anxiety about reporting the truth? A fear of digging deeply to uncover facts that may not be particularly positive? Are we willing to send subtle and not-so-subtle signals to our students that they should not ask questions; that they should avoid stories that may be controversial but may prove to be important on down the road. Are those the types of citizens we want to be training our students to become. Citizens who do not ask questions; citizens afraid to look at the negative or the ugly sides of life? Are these the types of journalists that we wish to produce? Journalists who are afraid or reluctant to bring information needed by the public to make an informed decision. I don't think so. . . and I don't think that this was what was in the minds of those who gave American citizens freedom of speech.

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The rights of the student press do not affect only those students actively involved in publications production but also those who read the publication.

I demand responsible journalism from my students. The bill provides a mechanism of safeguards to insure that the high school press will be free from libel and obscenity and will not disrupt the school process. Advisers will continue to supervise the publications produced by their students. Advisers will continue to help students make responsible decisions regarding their publications. Principals will continue to be able to stop publication of articles which are libelous, obscene or disruptive to the school process. But unless students are allowed their rights to freedom of speech, then the tenets which we teach in our government and journalism classes are only a hollow mockery of the reality these students are forced to live with.

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2/27/89

H.B. #2234

I am Gordon Risk, president of the American Civil Liberties Union of Kansas, here to speak for that organization.

This bill, if modestly amended, should undo the damage done to the First Amendment by the U.S. Supreme Court in its Hazelwood decision a year ago.¹ That decision, which gave high school principals essentially unlimited power to censor what they don't like in "school-sponsored expressive activities," was a civics lesson, as Justice Brennan noted, in "thought control," not in the democratic values of this country.

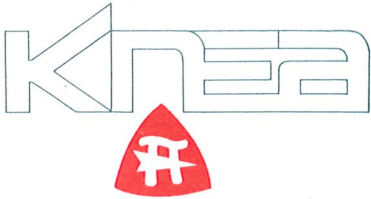
The censored material at issue in Hazelwood appeared in a high school newspaper and concerned teenage pregnancy and the impact of divorce. These were issues that the writers of the articles and the subjects of them wanted to deal with and talk about. They were trying to think through and master emotionally charged material, which can sometimes best be accomplished in a public forum. The censored individuals were denied this opportunity, and fellow students were denied the opportunity to learn about experiences that may have had relevance for them. Thinking and expression were squelched, instead of encouraged. The ruling gives high school principals motivated principally by a desire not to offend the public, a means of making that a reality, at the expense of their students. Vesting editorial control in school boards and their agents, instead of with students and their faculty advisers, relieves student editors and reporters of responsibility for deciding whether a story is libelous, accurate, or fair, and thus deprives them of an educational opportunity. I do not think school boards should be in the business of depriving students of educational opportunities, nor do I think they should be in the business of setting a bad example. Just as random locker searches promote disrespect for the Fourth Amendment's prohibition against unreasonable searches and seizures, censorship makes a mockery of the First Amendment's guarantee of freedom of speech and of the press. By teaching about the Bill of Rights in history and social studies classes and then not applying it themselves, schools say one thing and do another, behavior that drives people crazy, or into a protective stupor.

The ACLU does have a problem with lines 40-42 and the statement that "matter that commands, requests, induces, encourages, commends or promotes conduct that is defined by law as a crime" will be considered an abuse of free speech. This language would have prevented students of a generation ago from advocating non-compliance with laws requiring segregation by race or resistance to the Vietnam war. Principled civil disobedience could not be publically discussed. Punish the crime, not speech. We would suggest excising this clause.

Hazelwood was a blow to freedom and a pedagogical mistake, which the legislature has an opportunity to rectify. It is indeed ironic that at a time when the Soviet Union seems to be headed toward greater freedom of expression, we have been left with less.

1. Hazelwood School District v. Kuhlmeier 98 L Ed 2d 592

*Attachment 5
House Education
2/27/89*



Craig Grant Testimony Before The
House Education Committee
Monday, February 27, 1989

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to visit briefly about HB 2234.

Kansas-NEA believes that school publications are part of the learning process in our schools. Students participating in such activities need to learn about the right of freedom of the press and its limitations as described in HB 2234. If fully explained to students and an explanation of the consequences which will accrue if a student abuses such rights should, we believe, solve any worries that others would have about HB 2234. Teachers of journalism do teach these tenets in their classes and we do not foresee insurmountable problems with the bill. The problem occurs more often when an overzealous board or administration unnecessarily censors student publications.

Kansas-NEA can support HB 2234 as the proper way to teach responsibility to the students working on student publications. Thank you for listening to our concerns.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

5401 S. W. 7th Avenue Topeka, Kansas 66606
913-273-3600

Testimony on HB 2234
before the
House Education Committee

by

Patricia Baker, Associate Executive Director/General Counsel
Kansas Association of School Boards

February 27, 1989

Mr. Chairman, committee members, thank you for the opportunity to appear before you on behalf of our member school districts.

We uphold the freedom of expression of all citizens, students included, as those rights are protected by the First Amendment of the United States Constitution.

House Bill 2234 goes far beyond the protection of freedom of speech as enunciated by the courts in interpreting the First Amendment. Citizens in this country are not protected when their speech is libelous, seditious or incites unlawful conduct. This bill would allow such speech and then hold the student "responsible". To state that a student is "responsible" when he libels a person; or responsible when he commends unlawful conduct is a hollow promise to the person injured.

We ask the committee to encourage freedom of speech and the press; to commend responsible journalism in our schools; to foster analytic thinking and to reject HB 2234.

*Attachment 7
House Education
2/27/89*



HB 2234

Testimony presented before the House Committee on Education
by Gerald W. Henderson, Executive Director
United School Administrators of Kansas
February 27, 1989

Mister Chairman and members of the committee:

United School Administrators of Kansas rises in opposition to HB 2234. The Hazelwood decision much like other court decisions in recent years has in our judgement correctly described schools as separate communities where adults are in charge. In fact, it is our understanding that the central issue in Hazelwood was not whether students had absolute freedom of expression in journalism classes, but rather does a Board of Education have control over the curriculum content of its schools. The court ruled that a board does indeed have that control and authority.

But to address briefly the specific provisions of HB 2234. Under current regulation the responsibility for the supervision of all aspects of a school program is placed squarely on the shoulders of building principals who are directed by and held accountable to board policy. We know of no case in Kansas where the exercise of that authority and responsibility has been so abused as to warrant the legislation proposed in this bill.

We hasten to add that any principal who stops an article in a school paper solely because it questions school policy or is critical of an administrative decision is not only wrong but stupid. Such action clearly impedes the education process. Principals who are not working with journalism instructors, who are the key to this process, and with students when controversial issues arise are not doing the job of educating young people.

We believe that the provisions of the Hazelwood decision are sound and do not warrant correction. Local boards of education must retain control over the curricular content of all classrooms in Kansas. Building principals must retain the right and authority to make judgments within the boundaries dictated by those boards. We would urge that you report HB 2234 adversely.

GWH/sh

Attachment 8
House Education
3/27/89