

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by SENATOR JOSEPH C. HARDER at
Chairperson

1:30 ~~a.m.~~/p.m. on Tuesday, March 21, 1989 in room 123-S of the Capitol.

All members were present except:

Committee staff present:

Mr. Ben Barrett, Legislative Research Department
Mrs. Avis Swartzman, Revisor's Office
Mrs. Millie Randell, Committee Secretary

Conferees appearing before the committee:

HB 2234 - Student freedom of expression act (Blumenthal et al.)

Proponents:

Representative Gary Blumenthal, co-sponsor of HB 2234
Senator Lana Oleen
Dr. David L. Adams, Manhattan; Director, Student Publications, Inc.;
Executive Secretary, Journalism Education Association, Kansas State
University
Mrs. Jackie Engel, Lawrence; Executive Secretary, Kansas Scholastic
Press Association; lecturer, University of Kansas
Ms. Kim Koehler, Troy; student editor, Troy High School newspaper
Ms. Eweleen Rhue, Pittsburg; journalism teacher, Pittsburg High School
Mr. Joseph Brodil South, co-editor of the Pittsburg High School news-
paper; member, USD 250 "publications guidelines" committee, Pittsburg
Mr. Tony R. Furse, President, Kansas Scholastic Press Association;
journalism teacher, Great bend High School
Mr. Jill Jess, news editor, University Daily Kansan, University of
Kansas
Mr. David J. Knycl, President, Kansas Associated Collegiate Press,
Pittsburg State University
Ms. Angela Buenning, fall semester, Editor-in-Chief, Lawrence High
School newspaper
Ms. Susan Coughenour, Overland Park; Shawnee Mission Northwest jour-
nalism teacher
Mr. Ted Rippey, 1988 editor, the Northwest Passage, Shawnee Mission
Northwest High School; now a University of Kansas freshman
Mr. Ronald E. Johnson, Director of Journalism and Student Publications
Adviser, Fort Hays State University
Mr. Gordon Risk, President, American Civil Liberties Union of Kansas

Written testimony only:

Ms. Carol Oukrop, Director, A.Q. Miller School of Journalism, Kansas
State University, Manhattan
Ms. Susan Hilt, former St. Francis High School Yearbook editor; Assis-
tant Editor, KSU Royal Purple
Mr. Mark Tallman, Legislative Director, Associated Students of Kansas
Mr. Craig Grant, Director of Political Action, Kansas-National Education
Association
Ms. Patricia E. Baker, Associate Executive Director/General Counsel,
Kansas Association of School Boards
Mr. Ted Fredericksen, Associate Professor, William Allen White School
of Journalism, University of Kansas

Comments:

Ms. Sue Gamble, member, Board of Education, USD 512, Shawnee Mission

After calling the meeting to order, the Chairman recognized the first
proponent of HB 2234, Representative Gary Blumenthal, co-sponsor of
HB 2234. Representative Blumenthal explained why he sponsored HB 2234
and pointed out that the bill had been amended in the House Education
Committee so as to clarify the intent of the bill and to allay some
concerns of opponents of the bill. (Attachment 1)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,

room 123-S, Statehouse, at 1:30 ~~xxx~~ p.m. on Tuesday, March 21, 1989

Testimony in support of HB 2234 by Senator Oleen is found in Attachment 2.

Testimony of proponent Dr. David L. Adams, Kansas State University associate professor, provided insight into the 1988 U.S. Supreme Court case of Hazelwood v. Kuhlmeier. (Attachment 3)

The executive secretary of the Kansas Scholastic Press Association, Mrs. Jackie Engel, gave her support to HB 2234 as found in Attachment 4.

Ms. Kim Koehler, student editor of the Troy High School newspaper, admonished that responsibility of "being able to distinguish between right and wrong and to think and act rationally and hence, accountable for one's own behavior" must be given back to the high school journalist. (Attachment 5)

Pittsburg High School teacher/advisor, Ms. Eweleen Rhue, urged passage of HB 2234, so that "the burden of the administrators in this state should be to hire trained journalism instructors and to give them the materials and support needed to continue to improve this vital part of Kansas students' education". (Attachment 6)

Mr. Joseph Brodil South, co-editor of the Pittsburg High School newspaper, explained why he thinks the Kansas Constitution does not provide enough protection from the Hazelwood Supreme Court decision. (Attachment 7)

Mr. Tony R. Furse, Kansas Scholastic Press Association president, also a proponent of HB 2234, addressed the philosophy of a public high school student press as it relates to the questions of "Who is the publisher? Who makes the decisions?" (Attachment 8)

Students need to make their own decisions and their own mistakes, stated proponent Jill Jess, news editor of The University Daily Kansan at the University of Kansas. (Attachment 9)

Mr. David J. Kyncl, president of the Kansas Associated Collegiate Press, described instances demonstrating the misconceptions by at least two administrators that the Hazelwood decision gives them the right to censor student publications, even at the collegiate level. (Attachment 10)

Former editor of the Lawrence High School newspaper, Angela Buening, claimed that the Supreme Court ruling in the Hazelwood v. Kuhlmeier case took away students' First Amendment rights. (Attachment 11)

Journalism teacher, Ms. Susan Coughenour, Overland Park, pointed out the significance of self-censorship as opposed to mandatory censorship when she testified in support of HB 2234.

Many students now must make "pleasing the principal their chief concern" when working on a school newspaper, stated Mr. Ted Rippey, former editor of the Shawnee Mission Northwest High School newspaper. (Attachment 12)

The student publications advisor at Fort Hays State University, Mr. Ronald E. Johnson, voiced his support for HB 2234. (Attachment 13)

Kansas American Civil Liberties Union president, Mr. Gordon Risk, stated that HB 2234 would undo much of the damage done to the First Amendment by the U.S. Supreme Court in its Hazelwood decision a year ago. Mr. Risk did express some concerns with HB 2234, as amended, and these are noted in his testimony found in Attachment 14.

Ms. Sue Gamble, USD 512, Shawnee Mission, stated that she wished to be recorded in favor of HB 2234. Ms. Gamble provided additional background information on HB 2234 and said that although she feels the amended version of HB 2234 is improved over its original form, she had some concerns. She referred the Committee's attention to lines 42 through 50 and said

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MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
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she felt this section could precipitate on-going problems among the staff, the administration, and parents - with ensuing court actions. Ms. Gamble acknowledged that teachers have just concern regarding supression of students' writings but felt that the bill does not give adequate supervisory direction to resolve such matters. Ms. Gamble stated that because the First Amendment to our Constitution speaks adequately and liberally to freedom of expression, HB 2234 would be unnecessary.

Following testimony by Ms. Gamble, the Chairman announced that due to time constraint, the Committee could hear no further testimony. He stated that no opponents had requested time to testify. He called the Committee's attention to written testimony which had been submitted by: Ms. Carol Oukrop (Attachment 15); Ms. Susan Hilt (Attachment 16); Mr. Mark Tallman (Attachment 17); Mr. Craig Grant (Attachment 18); Ms. Patricia Baker (Attachment 19); and Mr. Ted Frederickson (Attachment 20), identifications of whom are noted on page one of today's minutes. The Chairman announced that HB 2234 would be considered by the Committee at a later time. He then adjourned the meeting at 2:32 p.m.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Tuesday, March 21, 1989

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Cathy Bauer	Manhattan	Close-up
Christine Chung	Manhattan	Kansas Close-up
Jennifer Greshake	Manhattan	Close-up
Marisol A. Romero	Topika	Close-Up
Kara Hall	Manhattan	Close-Up
Eisha Tierney	Manhattan	Close-Up
Br Gray	MANHATTAN	CLOSE-UP
Natasha Floka	Manhattan	Close-Up
HEEJUN RHO	MANHATTAN	close-up
Greg Bogart	Manhattan	Close-Up
Jony Furse	Great Bend	KSPA
Merle Hice	Topeka	KACC
Ronald E. Johnson	Hays	Fort Hays State University
Evelyn Cheez	Rt. 4 Pittsburg	Pittsburg High School
Gil M. Jess	Lawrence	University of Kansas
Aggie Davidson	Opolis, Ks	Pittsburg High School
Joe Smith	Pittsburg	Pittsburg High School
Chet Whitlock	Pittsburg	Pittsburg High School
Stamper Byrke	Tampa	Close-Up
Bud Peterson	Burdick, Ks.	Close-up
Robin Ward	Bennington, Ks.	Close-up
Michelle Powell	Salina, Ks	Close-up
Oprie Powell	Salina	X-Close-up
Brilla Highfill Scott	Topika	USA

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Tuesday, March 21, 1989

GUEST LIST

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Tivasa Schibler	Bennington KS	Close-Up
Valerie Turner	Bennington	Close-up
Jova Guillory	Bennington, KS	Close-Up
Opennifer Wells	Bennington, Kas.	Close-up
Angela Breening	Lawrence, KS	J.H.S. newspapers
Kim Koehler	Wray, KS.	Troy H.S. newspaper
Madhayan Hechey	Troy, KS	Troy H.S. publications adviser
Pat Baker	Topeka, KS	KASB
Gerald Wadman	Topeka	USA
Susan B. D'Eauyer	Manhattan, KS	K-State Collegian
V.O. Gangel	McPherson, KS.	-
Iana Olson	Manhattan	Ks. Senate
David J. Kyncl	Pittsburg, KS	Kansas Associated Collegiate Press
Chester Peckowicz	Buhler, Ks.	Close Up - USD 313
Jeff Sipe	Hesston, KS	Close Up
KERRY PRICE	HESSTON, KS	CLOSE UP KANSAS
Kara Hartzler	Hesston, KS	Close Up Kansas
Chis Davis	Hesston	Close up
Craig Canning	Hesston, KS	Close-up Kansas
Carl Boyce	Hesston, Ks	Close-Up Ks
Laura R. Serber	Hesston, KS	close-up Kansas

STATE OF KANSAS

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JOHNSON COUNTY
10125 EDELWEISS CIRCLE
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CAPITOL OFFICE (913) 296-7693



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HOUSE OF
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JOINT COMMITTEE ON ADMINISTRATIVE RULES
AND REGULATIONS

Senate Education Committee

March 21, 1989

House Bill 2234

Mr. Chairman and members of the Senate Education Committee, I sincerely appreciate this opportunity to urge your favorable consideration of HB 2234, the Student Freedom of Expression Act.

I originally introduced this act with other House members, at the request of the Kansas Scholastic Press Association, in reaction to the impact of the 1988 Hazelwood case, which has left a rather chilling effect upon the practice of student journalism throughout Kansas and the nation. Generally prior to the Hazelwood case, it was generally assumed that student publications were entitled to similar first amendment protections granted to general circulation publications; and additionally it was assumed that students were able to express political and controversial opinions, as long as those opinions did not substantially disrupt the school program as often cited in the 1969 Tinker vs. Des Moines Supreme Court.

In the 1988 Hazelwood case, the court indicated in a majority opinion that these assumed rights were not inherently guaranteed to student publications; however states could enact protective legislation that clarified specific student journalist rights. Thus HB 2234 was introduced in Kansas, while similar bills were also introduced in a variety of other states.

As originally introduced, I would be the first to agree that the original unamended version of HB 2234 was too vague in the rights that it sought to protect. When the bill was originally heard in the House Education Committee the room was packed with proponents seeking its enactment. Two lone opponents testified in opposition. One particularly effective conferee, Pat Baker of the Kansas Association of

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School Boards pointed out some areas that needed further clarification.

Working with Pat Baker and KASB, a series of amendments were adopted that clarified the intent of the bill. Specifically the focus of the bill was limited to student publications under the direction of a certificated employee; and language was developed to clarify that student publications could not be censored solely because of the political or controversial nature of the subject matter addressed by student writers. Additionally provisions were added to clarify that student publications could not disrupt the school program.

Although these amendments did not provide as much as what the proponents had originally sought in HB 2234; an agreement was reached between the Kansas Scholastic Press Association and KASB.

A compromise bill was then presented to the House floor and the bill passed on a 99-26 roll call vote.

Today several conferees will present their opinions regarding why this bill should be enacted. As a Kansas educator I believe that this bill sends a strong message to our Kansas students that the constitutional rights that protect every other facet of their lives also protects them in their student publications.

I sincerely hope you will give this bill your favorable consideration.

LANA OLEEN
SENATOR, 22ND DISTRICT
RILEY AND GEARY COUNTIES



TOPEKA

SENATE CHAMBER

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COMMITTEE
CHILDREN AND YOUTH ADVISORY COMMITTEE

SENATE EDUCATION COMMITTEE

HONORABLE JOE HARDER, CHAIRMAN

TESTIMONY OF SENATOR LANA OLEEN ON HB 2234

Chairman Harder and Members of the Committee:

I would like to thank you for the opportunity to appear before you today as a proponent of HB 2234.

As a high schooler, I was a student editor and my interest continued into college where I served on the editorial board of my college newspaper, as well as assistant editor of my college yearbook. I worked closely with my high school and college journalism advisors who provided valuable training while maintaining a productive working relationship with all interested young people who were under their tutelage.

As a high school publication advisor (newspapers, literary journals, yearbooks) and English composition teacher for 13 years, I have developed a deep respect for student publications which are generated by our Kansas youth. It is most important that students' coverage of material not be suppressed solely because it involves political or controversial subject matter. I respect the maturity of student writers and reporters as well as the working relationship they maintain with their sponsors, advisers and teachers.

I encourage you to support HB 2234 as amended by the House Committee on Education.

I would stand for questions.

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Journalism Education Association

"Leading the way in scholastic journalism and media education"

March 21, 1989

TO: Sen. Harder and Members of the Kansas Senate Education Committee

FROM: *David L. Adams*
David L. Adams, Ph.D., Director, Student Publications,
Inc., Associate Professor, Kansas State University;
Executive Secretary, Journalism Education Association

RE: Testimony on Support of H.B. 2234; What Happened at the U.S.
Supreme Court in the 1988 Hazelwood v. Kuhlmeier Decision

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On Jan. 13, 1888, the U.S. Supreme Court ruled 5-3 in the Hazelwood v. Kuhlmeier decision that a suburban high school principal had the power, under the facts of that case, to censor two stories in The Spectrum, the Hazelwood East High School newspaper. The articles dealt with the effects of pregnancy of three unnamed students at the school and the effects of divorce upon the child of a divorce who was also a student at the school. Without telling the students or asking them to rewrite anything, the principal ordered the previously scheduled six-page edition to be cut to a four-page edition, eliminating the two articles he believed too sensitive for high school students to be writing about. In the process, nine other articles which he had no concerns over were also deleted from the school paper. The students found out for the first time about the principal's decision on a Friday afternoon, when the four-page edition was distributed to students and teachers free of charge in classes.

The student editors believed their constitutional rights had been violated by the principal's actions in this case. They had little money, so they went for help to the local civil liberties office in St. Louis. They were assigned a young attorney who was sympathetic, but who had little if any training in press law or specifically student press legal issues. The students won the case at the federal appeals court level; the school appealed the case to the Supreme Court. As is customary, once an attorney takes a case at the federal district court level, she carries the case as far as it goes. The federal appeals court based its decision upon nearly 300 previous high school and college press law cases dealt with in federal courts since the 1969 Tinker v. Des Moines case in which a former Supreme Court had held: "Students do not shed their constitutional rights at the schoolhouse gate."

I, along with nearly 20 other scholastic journalism advocates from around the country, was asked to attend the Hazelwood oral arguments before the Supreme Court on Oct. 13, 1987. I felt the students' side in oral arguments was poorly presented by their attorney before the Supreme Court. Not once did the students' attorney mention the Missouri "freedom of the press clause," -- very similar to the Kansas free press clause -- or the First Amendment or the school paper's role as a "public forum." Nearly 20 briefs were filed from nearly all professional and scholastic media organizations in the country supporting the students in the case; only two were filed

Regional Directors: Jack Wilson, Northwest; Vicki Scorsone, Southwest; Susan Hathaway, North Central;
Diane Boyle, South Central; Sherry Haklik, Northeast; Margaret M. Johnston, Southeast
Commission Chairmen: Mike Brown, Accreditation/Credentials; John Cutsinger, Development/Curriculum;
Rob Melton, Publications; John Bowen, Scholastic Press Rights

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Senate Education Committee Testimony; page two

supporting the principal's actions in the case, those briefs being from the National Association of Secondary School Principals and the American School Board Association. While these briefs should be the **main** legal basis for the Court's decision, I believe in this very close case, the ineffective oral arguments were crucial in the Court's decision against the students, a decision, which had it been 4-4, would have meant the students' side would have prevailed since they had won the case at the appeals level. The Court's dissenting opinion in this case was scathing in its attack upon the Court's majority opinion. A national independent Supreme Court watchdog group gave the students' attorney the dubious award for the "worst oral argument" before the Court during its entire 1987-88 term!

No where in its majority opinion did the Supreme Court say school officials **had** to censor anything, only that in certain instances, they **may** do so. The Court allowed local school districts to draft board policies which set up school publications as "pubic forums"; many districts around the country have now done so. The Kansas Association of School Boards has excellent "suggested" policies it recommends its members adopt concerning school publications; unfortunately, few Kansas districts have adopted these KASB policies. The court also said that some state constitutions might grant broader protection in similar situations than it felt the First Amendment did in the Hazelwood decision. We believe the Kansas Constitution is in fact broader than the U.S. Constitution when it says, "The liberty of the press shall be inviolate; and all persons may freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such rights..." The Court also said that states may wish to deal with the issue of freedom and school-sponsored expression in state-originated legislation. This is exactly what House Bill 2234 does. The legislation strikes a delicate balance in its attempt to secure reasonable freedom of expression for Kansas public school students and still protect school employees and districts from possible abuses of such expression.

I have often talked in student and teacher workshops in Kansas and around the country on the issue of student press rights and responsibilities. When I'm talking to students on this topic, I spend roughly 15 percent of my time on the "rights" portion and about 85 percent of my time talking about the importance of responsibility, telling students the importance of being fair to all concerned, deadly accurate, truthful and serious in tone, and using compassion to all parties involved in a sensitive story. Today, you'll hear our side talk mostly about the "rights" side of the coin in ensuring responsible freedom of expression for Kansas public school students. H.B. 2234 now has the active support of nearly all major groups whose goals are to fully educate our students in a sound, relatively free educational environment. Manytimes, we in the older generations often fear the worst in the younger generation. Maybe that's what our own Supreme Court did in the Hazelwood case. I have spent nearly twenty years educating Kansas high school and college students. I believe we who dedicate our lives to the children and youth of this state know without a doubt that our students can be fair, be accurate and be trusted to use their rights responsibly. Our schools should not only teach democratic ideas, but be model places which foster these ideals as well. Please support H.B. 2234. Thank you!

Kansas Scholastic Press Association

HEADQUARTERS: WILLIAM ALLEN WHITE SCHOOL OF JOURNALISM AND MASS COMMUNICATIONS
University of Kansas 200 Stauffer-Flint Hall Lawrence, Kansas 66045

JACKIE ENGEL
Executive Secretary

913 864-4755

March 21, 1989

TD: Senator Joseph C. Harder, chairman of the Senate Education Committee and members of the Senate Education Committee

RE: Oral testimony for House Bill No. 2234

Occasionally we need to remind ourselves that we must stir the muddy river bed to purify the stream. Those of us in scholastic journalism believe this is what is happening in the wake of the Hazelwood decision by the Supreme Court. Rather than to decry what it did to students' rights, we have worked to let it evolve into a plus.

That plus is House Bill No. 2234. We feel especially positive about this legislation because it is evidence that administrators, school board members and journalism advisers can work together toward a constructive goal. Because both sides were willing to write compromise language, a bill resulted that is now endorsed by both sides. Here is proof that we are not enemies but partners working together for a relevant school press - a press that offers viable opportunities to write on topics of concern as students of today and citizens of tomorrow. This is vital since these students are taught by their civics teachers that they do not leave their rights at the schoolhouse door.

As the official grandmother of Kansas journalism, a title I bear proudly, perhaps I have earned the right to speak today. I have worn many different hats, none of them more than a breath away from press freedom and students' rights. Interestingly, one hat worn was as a member of a school board, so you see I have sat on both sides of the table.

Another hat I wore for 23 years was as a journalism adviser in a rural, conservative Kansas community of 10,000. At one point that hat became very battered when I was forced to stand by while an underground newspaper took the limelight for a brief heyday and left in its wake an angry, bewildered and scarred community. Believe me, even with the mistakes the students will make - and make them they will - an established scholastic press can accomplish far more than a dissident underground press and be far less damaging to a school's public image.

The third hat is the one I presently wear as executive secretary of the Kansas Scholastic Press Association. In this position, weekly, if not daily,

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I answer the phone to hear frightened students ask, "I've written an article about the school library not being open enough hours eacy day - can I print it?" or "We want to do a survey as to the number of students being brought up in a single parent home but the principal says we can't circulate it and do the story." I call it the SCARE SYNDROME. The student is scared of the adviser; the adviser is scared of the superintendent; the superintendent is scared of the school board; the school board is scared of the community that is composed largely of parents, who, in turn, are scared to death of their own children. Is there anything more lethal in a democracy than fear? And when it is fostered in our schools, it is especially frightening, for this is the milieu in which we teach and they learn.

Since Hazelwood, censorship in Kansas high schools has increased. This can be documented. Sometimes it takes subtle forms; sometimes not. For example:

- . a 3A school in southwest Kansas wanted to run an editorial about a principal searching students' lockers without permission. The principal agreed only after being assured that his response would be printed alongside of the editorial.
- . a 5A school in eastern Kansas was told to kill its editorial page entirely or kill the entire newspaper
- . a 4A school not many miles from here must submit ALL copy to the principal prior to publication, including birthday lists and lunch menues
- . a 4A school in southwest Kansas was reminded that since Hazelwood if the principal wanted an article run, it would be run. This arose because the local newspaper had refused to print a column by the principal of what student kept the neatest desk, what student was most attentive and the principal wanted it printed in the school newspaper.
- . and the list goes on.

Certainly, I do not want to say that censorship exists in all of our schools, for it does not. When I asked an adviser in a metropolitan school just last week if he had any problems with censorship, he said, "Absolutely not!" Naturally, the calls I receive are from areas where it is being imposed.

And all this happening after Nation at Risk admonished us two years ago that as teachers we had a responsibility to teach critical thinking. Do we teach it and then not allow them to apply it in the only vehicle they know? Twenty years ago, high school students lived in a far more antiseptic society. That was then. We are NOW. Today's generation grapples with crime, drugs, AIDS, abortion, divorce, single parenthood and find themselves caught in a quagmire not of their own making or choosing. They talk openly about some issues that some of us ancients don't even remember. They need to have such

issues dealt with fairly and responsibly in their own school press, just as the same and other issues should be dealt with in the commercial press. They need a fertile soil in which to sow and later reap.

Notice, I said dealt with responsibly. Certainly this freedom would be a dangerous tool in the hands of some teenagers if they did not have access to responsible instruction and guidance. First, they must be taught the necessary skills, one of which is an appreciation of a legal, moral and ethical press. Here, schools, namely principals, must assume the responsibility to secure the services of a qualified and certificated instructor just as they do for their history, math, science and English classes.

Should the principal be a publisher? Of course not. The principal is a public official and prior restraint should never be exercised by a public official.

Media critic Ben Bagdikian has said, "If freedom of expression becomes merely an empty slogan in the minds of enough children, it will be dead by the time they become adults." Surely we would all agree that this prospect is frightening. Please help us give today's young journalists the freedom to use what they have learned in the interest of a free society.

Thank you for your time and consideration.

Kim Koehler
Trojan Trumpet Editor
Troy High School
Troy, Kansas

This past week as I was reviewing the Hazlewood decision, I realized what the biggest thing taken from a high school journalist was. It wasn't our First Amendment rights. I'm not saying that our First Amendment rights were not violated, but there is something else I think is more important.

Webster's Dictionary defines it as: "A condition, quality, fact, or instance of being responsible; obligation, accountability, dependability, etc." The word is responsibility. I then continued to read on and came to the definition of responsible, and I knew I had found what I was looking for. Responsible is defined as "being able to distinguish between right and wrong and to think and act rationally, and hence be accountable for one's own behavior." This is the whole key to the bill we are trying to get passed.

A student journalist must have the right to express himself and be responsible for what he writes. Responsibility is a very important trait which every person needs to have to live in the world today. Doesn't this sense of responsibility need to be given to people when they are young so when they get out into the real world they are not lost and unable to think and act rationally and thus are not accountable for their behavior? I feel lack of responsibility is the reason why our world is like it is today, because too many people have been pushed out into the world without knowing responsibility.

The Hazlewood decision took much responsibility away from the high school journalist. The way it is now a story may be censored by an adviser, administrator,

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or school board which takes away the responsibility of the student distinguishing between right and wrong.

If this bill were to be passed it would be a huge step in helping my generation and future generations to learn responsibility early as high school journalists.

I hope as you are making your decision about this bill you will remember my definition of responsibility; "being able to distinguish between right and wrong and to think and act rationally and hence, accountable for one's own behavior." This responsibility must be given back to the high school journalist.

Eweleen Hornbuckle Rhue Journalism Teacher/Adviser
Pittsburg High School

Thank you for the privilege of speaking to you today. I consider it an honor to be here. My name is Eweleen Hornbuckle Rhue. I was born and raised in Pittsburg and 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. I am 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 threat of that censorship policy and other censorship of high school journalism that we would like to tell you about today.

At this point we don't have a censorship problem at Pittsburg High. It is due to responsible student reporting, however, not merely a coincidence. We have not had an incident or controversial publications problem in the 7 years I have advised. This was one of the main reasons I was totally shocked last summer when I was told to construct the framework for "legitimate" censorship of our district publications. The superintendent told me to select a committee of parents, faculty, students, and community members -- whoever I wanted as long as it included my building principal, and write a publications guidelines policy. When I asked him specifically what he expected of this committee and the guidelines, he said the committee was to specifically address the issue of censorship and write guidelines that would comply with the Hazelwood decision giving the principal the right to censor.

A few weeks ago an apparently misinformed editor of the Kansas City Times wrote a very misleading editorial which he called "High School Journalism". (Journalists can make mistakes, even if they're over 18 -- as long as they're still HUMAN!) In essence he said that supporters of HB 2234 are trying to overturn a Supreme Court ruling by using state law. That is not correct. How sad he apparently is not aware of the fact that the Hazelwood decision does not mandate that principals censor but acknowledges that states should make their choices. Supporters of 2234 SUPPORT the Kansas Constitution which granted freedom of expression long before there was a Hazelwood ruling!

The editor appears to confuse editing done on professional publications with the censorship now existing in many student publications. NO MATTER HOW ONE TRIES TO JUSTIFY IT, WITHHOLDING SOMETHING FROM PRINT BECAUSE OF AN OFFICIAL'S BELIEF is UNACCEPTABLE CENSORSHIP -- not editing. Although the action of censorship and the action of editing produce the same results --it is the MOTIVE behind the act that makes ALL THE DIFFERENCE.

I've never met the editor of the Kansas City Times. I WOULD like to. I would like him to spend time in my classroom--in our high school-- so that he could see

clearly the absurdity of the closing assumption of his editorial. He suggested that if student journalism is for educational purposes that students "should learn" about the "real world". If anything forces me out of teaching within the next 5 years I predict it will be the inability to handle the pressure of trying to work with youth tremendously troubled by the issues of the real world -- issues I never had to face when I attended PHS. In the last 2 years alone I have had students come to me for help because of sexual abuse from a step parent, about alcoholism, divorce, pregnancy, abortion, running away, drug abuse, emotional abuse, and expectedly and VERY FRIGHTENINGLY about suicide. I'm not talking about kids from lower economic families or the "designated at risk" students -- I'm talking about beautiful, bright, talented young people-- governor's scholars -- teens facing issues of the real world -- teens who should NOT be told they cannot write about those issues in a responsible manner.

I consider it an hypocrisy to have representatives of the Kansas National Guard come to our school and sign up students (as juniors), pumping them up about being leaders prepared to defend our country; to bring Bill Graves down to get the students to register to vote for public officials including THE PRESIDENT OF THE UNITED STATES, to have the Red Cross come in and take the blood out of their bodies to meet quotas, 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." This is not education of teens. This is exploitation! To the Times I say, "Yes, Mr. Editor, these students know there IS NO SANTA CLAUS....they know something about the REAL WORLD!"

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 -- trained to objectively edit -- not administratively censor. The burden of the administrators in this state should be to hire trained journalism instructors and to give them the materials and support needed to continue to improve this vital part of Kansas students' education. Passing HB #2234 would help to assure this.

At this time, I would like to introduce Joe South, co-editor of the PHS newspaper, and let him tell you about some of what he's learned as a student journalist.

THANK YOU.....Joe.

Joseph Brodil South Co-editor of The Booster
Pittsburg High School Pittsburg, KS

My experience as a member of the U.S.D. #250 Publications Guidelines Committee proves that the Kansas Constitution is not enough protection from the Hazelwood Supreme Court decision. Even when the majority of the committee members were in favor of alternate wording, we were told by the building principal that if we did not comply with Hazelwood, the school board would reject and change the policy to comply.

Perhaps as frightening as administrative censorship is the often overlooked issue of self-censorship. Too often, reporters on my staff have come to me more worried about the opinion of the administration concerning the contents of an article than the value of the information to the public as a whole.

We, the professional journalists of tomorrow, must learn to act independently and responsibly today if we are ever to provide the public with objective information on sensitive issues.

Having worked on newspaper staffs in two states, I have found that when individual responsibility is stripped, the quality of the educational experience plummets. The journalist is reduced to more or less entertaining the readership rather than providing them with vital, timely information on issues that affect their daily lives.

It is my contention that responsible journalism needs to be taught on the high school level by experience. If you want a teenager to take care of his car, make him pay for his own repairs. If you want to teach journalists responsibility, make them responsible for what they write. Thank you.

Kansas Scholastic Press Association

HEADQUARTERS: WILLIAM ALLEN WHITE SCHOOL OF JOURNALISM AND MASS COMMUNICATIONS

University of Kansas

200 Stauffer-Flint Hall

Lawrence, Kansas 66045

JACKIE ENGEL
Executive Secretary

913 864-4755

To Sen. Joseph Harder and members of the Senate Education Committee:

As president of the Kansas Scholastic Press Association and publications adviser at Great Bend High in central Kansas, I wish to address the philosophy of a public high school student press as it relates to the questions of "Who is the publisher? Who makes the decisions?"

In the private, commercial press, it is the designated publisher, whether an individual proprietor or the agent of a publishing corporation, who does make the final decisions on content. But, in the public school student press, who ultimately is the publisher? School boards, superintendents, principals, and yes, even faculty advisers, sometimes think that they act as the publisher and therefore have rights to prior restraint and censorship, just as the private publisher has. But, where the private publisher is just that—a private person—the public school board, superintendent, principal, and faculty adviser serve as agents of a public governing body.

And does not the crux of the First Amendment to the United States Constitution, to which the State of Kansas adheres, guarantee that the government shall not abridge any rights to freedom of expression and freedom of press, among other rights. In the end, it is not the school district nor any of its agents who act as publisher but rather the state of Kansas and its lawmakers who ultimately can support free expression and free press—and the school districts then act as agents of the State of Kansas.

Thank you.

Tony R. Furse, Kansas Scholastic Press Association president

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119 Stauffer-Flint Hall
Lawrence, Kansas 66045

March 21, 1989

My name is Jill Jess and I am a senior in the news-editorial sequence of the William Allen White School of Journalism at the University of Kansas.

As a former reporter and news editor of the Lawrence High School Budget and as the news editor of the University Daily Kansan, I understand the importance of journalism education. And the greatest learning device is experience. High school newspapers are an excellent opportunity to gain that experience.

It has been argued that high school students are too young to understand what should be in print and what should not. But this argument misses the point of student journalism.

Journalism students, on any level, are, first and foremost, students. Although their homework might be more visible than the homework of students in other classes, their products are learning devices.

However, when students are not allowed to make their own decisions – and their own mistakes – they do not gain the full experience of journalism. One of the best ways to learn is to make mistakes. But if censorship is exercised, high school students are not given the chance to realize the implications of their actions. Many people complain that journalists lack that basic understanding.

And though high school can be the training ground for future journalists, the high school newspaper is the only direct experience most students will have as a member of the media. Censorship by the administration would give these students the impression that prior restraint of the press by government is permissible.

Some people equate the role of the principal with the role of publisher. This argument ignores the fact that the principal represents the government. Publishers run private businesses; principals run tax-supported schools.

Prior restraint by school administrators would not only hinder the education process, it would send a terrible message to students: The First Amendment doesn't apply to you. It was written only for the people already in charge.

Testimony before the Senate Education Committee
Tuesday, March 21, 1989

Distinguished members of the House Education Committee:

As president of the Kansas Associated Collegiate Press, a state-wide organization of two- and four- college and university student publications advisers, I would like to express my support for the Student Freedom of Expression Act, H.B. 2234.

As you have heard from previous testimony, The Hazelwood decision has affected high school journalism programs across the state. However, more than just high school programs have been affected. Even though the Supreme Court stated that the Hazelwood decision did not include collegiate student publications, there have been at least two occasions in community colleges where the administration of the respective schools have attempted to establish informal prior review policies of the student publications.

At one school, an administrator attempted to monitor the content of the student newspaper by instructing the adviser to edit and screen all copy. The administrator also asked to see the final pages prior to publication. In both cases, the attempts at prior restraint were resisted by the adviser and student editor, and were later dropped by the administration.

At another school, threats were made by an administrator to withdraw student scholarships for an editorial in the student newspaper that challenged a long-standing school policy. After about a week of meetings with the administration, adviser and student editor, the administrator's opinion changed to one in support of the newspaper a forum of student expression. The policy that was challenged in the editorial was later revised and clarified following administrative review.

In both cases, the respective disagreements have been resolved. However, they do demonstrate the initial misconception by at least two administrators that the Hazelwood decision gives administrators the right to censor student publications, even at the collegiate level. The examples also demonstrate the position that the advisers must face on a regular basis as they attempt to motivate their students to provide a quality forum of student expression, while working with their colleagues and superiors to insure the publications remain an open forum.

Passage of the Student Freedom of Expression Act will help insure that student publications receive the same freedom of expression and freedom of the press guaranteed by our State and federal Constitutions. By protecting "the liberty of the press in student publications," the Act will provide high school students the opportunity to learn the importance of a free and responsible press as they work to publish their respective publications. It also will demonstrate, by example, the importance of a free press to our democratic society.

As President of the Kansas Associated Collegiate Press, I would encourage you to support this bill.

Thank you for your time and careful consideration of this legislation.



David J. Kyncl
President, Kansas Associated Collegiate Press
Director of Student Publications, Pittsburg State University

STUDENT FREEDOM OF EXPRESSION ACT

Angela Buening

Tuesday March 21, 1989

Editor-in-Chief of the Lawrence
High School newspaper (first semester)

2933 Harvard Rd.
Lawrence, KS 66044
913-843-2358

The Supreme Court ruling in the the Hazelwood v. Kuhlmeier case took away students' first amendment rights. The decision gave administrators the power to censor all forms of student expression--from newspapers, to debates, to theatrical productions. No matter what the age group, revoking constitutional rights sets a dangerous and potentially far-reaching precedent.

Many people have misinterpreted the students' argument on this issue. First of all, students do not expect, nor do they want, the freedom to write irresponsibly. We are fully willing to take responsibility for our expressions. We are not rejecting the idea of adult supervision. We are simply asking that the power to decide what goes in the paper be left to the student editor and the supervisor. Because of their knowledge and expertise in the area, they are much more qualified to make content decisions than are administrators.

House Bill 2234 bans censorship by administrators "solely because it involves political or controversial subject matter". I speak for students across the state when

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I say that I support H.B. 2234 and students' right to freedom of expression. Students today face tremendously challenging issues--from AIDS to abortion to drugs. Forbidding us to attempt to tackle these issues on paper is unrealistic because whether or not we are allowed to deal with these issues on paper, we will be dealing with them in real life.

Senator Harder and distinguished members of the committee:

As a democratic society, we look down on the concepts of authoritarianism, elitist control, and the unjustifiable, unnecessary exercise of individual power. Censorship is a practice which embodies all these ideals; a practice which we in this country were free from until **M**arch of last year.

The Supreme court decision in the Kuhlmeier vs. Hazelwood case struck a crippling blow to the education of student journalists nationwide. In past years, dedicated student writers had the opportunity to learn and practice freedom of expression under the guidance of qualified advisors. Now, school administration is free to wield complete censorial power whenever he or she sees fit. Instead of writing with the intent to inform readers in a fair and unbiased fashion, many student must now make pleasing the principal their chief concern. In some cases, administration will even demand to see every word of copy before it goes to print, and the student publication will become nothing more than a public relations newsletter.

These are the tangible consequences of the ruling, but the underlying tragedy we now face lies in the subtle correlation between freedom and responsibility. Before, student journalists had the opportunity to learn and experience constitutional press freedom, a concept that has never meant sensationalism or exploitation of controversial issues. At the same time, the journalism advisor was able to teach the student about the responsibility that comes with the exercise of first amendment rights. By stripping the students of these rights, the Court destroyed the basis for dedication to responsible reporting. A student who is no longer in control of deciding what material will go to press has no need to justify his

actions, and the sense of responsibility is lost. Most importantly, they learn that constitutional rights are not for them, a lesson that may not be so easily forgotten later in life.

Those who argue against this bill will say that students given freedom are bound to act irresponsibly, and therefore must be controlled. I say that cooperation, not authoritarian dominance, is the answer. A successful publications program is one in which the student editors, advisor, and school administration work together to successfully deal with the coverage of controversial issues.

This bill will renew a dedication to this kind of cooperation. It will restore to students their rights as citizens, and it will allow the advisor to once again instruct the student journalist in the true lessons of appropriate expression and quality reporting. I urge you to take this step now, so that the leaders of tomorrow may discover the responsibility that accompanies freedom through education in the present, not through mistakes in the future.

Ted Rippey

SENATE EDUCATION COMMITTEE

Open Hearing on House Bill 2234, the Student Freedom of Expression Act
March 21, 1989

Ronald E. Johnson
Director of Journalism
Student Publications Adviser
Fort Hays State University

Sen. Harder 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 to conclude for these speakers?

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. Sometimes they do so 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.

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

SENATE EDUCATION COMMITTEE
Open Hearing on House Bill 2234, the Student Freedom of Expression Act • March 21, 1989

Ronald E. Johnson
Director of Journalism and Student Publications Adviser • Fort Hays State University

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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, 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 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 issues, 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.

I am Gordon Risk, president of the American Civil Liberties Union of Kansas, here to speak in support of H.B. #2234.

This bill should undo much of 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 advisors, 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 appears hypocritical and that drives people crazy or into a protective stupor.

The ACLU does not like the present bill as much as the one originally introduced, which declared that "liberty of the press shall be inviolate," and we do have a problem with lines 44-46 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 publicly 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. This bill should further that end. 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



**A. Q. Miller School of Journalism
and Mass Communications**

Kedzie Hall
Manhattan, Kansas 66506
913-532-6890

March 21, 1989

To: Senator Joseph C. Harder

I am sorry I cannot be in Topeka today to speak in support of H.B. 2234, which I strongly feel should be passed. Since my K-State duties conflict with your meeting, however, I will try in this letter to make the point I had hoped to make at the Senate Education Committee hearing.

Some opponents of the bill have argued that the right of high school officials to decide what may or may not be published in student publications is not unlike publishers having ultimate control over what is printed in their papers. In a March 1 editorial arguing against H.B. 2234, the Kansas City Times used that argument, and added that part of the education of high school students should be to learn about the real world.

The major point I want to make is that the "same as" parallel simply does not hold up. The "publisher" in a school district is a government employee. Trying to publish a newspaper with a government employee having the ultimate control is not the real world.

If students should learn about the real world, H.B. 2234 should be passed and the student press should be allowed to discuss sensitive issues that concern high school students -- drugs and alcohol, perhaps, or AIDS, or decisions made by the high school administration. That's the students' real world.

H.B. 2234 has the backing of the Associated Students of Kansas, the national Journalism Education Association, Kansas Associated Collegiate Press, the Kansas Scholastic Press Association, the Kansas National Education Association and the Kansas Association of School Boards. Such support indicates that the legislation is in the interest of all parties concerned.

Sincerely,

Carol Oukrop, Director
A.Q. Miller School of Journalism
and Mass Communications

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Student Publications, Inc.

Kedzie Hall
Manhattan, Kansas 66506
(913) 532-6555

March 21, 1989

Dear Members of the Senate Education Committee:

I am writing this letter out of concern that high school students are being denied their constitutional rights because a few people feel they are not mature enough to use this right responsibly.

I was on my high school yearbook staff at St. Francis Community High School for four years and was editor for two of those four years. As a high school student, I learned I was responsible for content of my articles. I knew what was considered libelous because my adviser told me what was considered libelous and I avoided it. Now I am assistant editor of the yearbook at K-State. I can say that my high school experiences have greatly helped me in my college career. While on staff, I wrote articles dealing with AIDS and teenage alcoholism. I didn't write these articles to shock parents or embarrass school officials. I wrote these articles because I thought they were important issues which teens were being forced to face.

High school journalists are not radicals, and they have never had a history of printing libelous material. On the contrary, high school journalists are generally at the top of their class; they are the ones involved and the ones who are concerned about what's happening to their fellow students.

Journalists need to begin making judgments about news content in high school so they will be prepared to deal with situations they will face in their college or professional careers.

Decisions which must be made about news content cannot be learned in a classroom. It is a skill which is only learned through practical experience.

High school students should be given reasonable "freedom of expression" in their school publications. They can and do act responsibly. They need guidance not censorship.

Sincerely,

Susan Hilt
Former St. Francis High School Yearbook Editor
Assistant Editor, KSU Royal Purple

Campus Directory
Royal Purple Yearbook
Kansas State Collegian
Daily Newspaper

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1973



1988

ASSOCIATED STUDENTS OF KANSAS

15 Years In The Student Interest

TO: Senate Committee on Education
 FROM: Mark Tallman, Legislative Director
 DATE: March 21, 1989
 RE: Testimony on HB 2234 - Student Freedom of Expression Act

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 does not protect libelous, slanderous, obscene or inciteful matter, or actions that would substantially disrupt school activities. 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. This provision, together with amendments proposed by the Kansas Association of School Boards, should eliminate concerns 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.

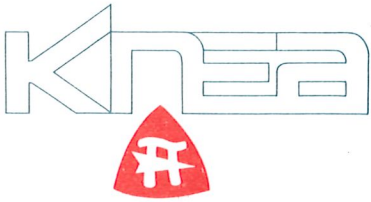
In short, we believe this bill will encourage the development of responsible journalism and citizenship. We urge your favorable consideration.

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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



Craig Grant Testimony Before The
Senate Education Committee
Tuesday, March 21, 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.

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Testimony on House Bill 2234
before the
Senate Education Committee
by
Patricia E. Baker
Associate Executive Director/General Counsel
Kansas Association of School Boards

March 21, 1989

Mr. Chairman, members of the committee, thank you for the opportunity to represent the interests of our 301 member districts in regard to House Bill 2234.

When the bill was first introduced in the House Education Committee, KASB vigorously opposed the provisions of H.B. 2234. Following the hearing in the House, we sought to assist with the amendments to the bill, in an effort to reach a compromise with the proponents. Journalism educators, Kansas-NEA and other groups supporting the bill had testified that they felt the law was necessary to protect freedom of the press in Kansas schools. We believe that the current language of House Bill 2234 is acceptable and provides both an opportunity to young Kansas journalists and protection for them as well.

In its current form, KASB finds no objection to House Bill 2234.
Thank you.

The University of Kansas

William Allen White School of Journalism
and Mass Communications

Ted Frederickson,
Associate Professor (attorney, instructor in media law)
William Allen White School of Journalism
University of Kansas

Testimony before Senate Education Committee in favor of H.B.
2234, Student Freedom of Expression Act.

Mr. Chairman, the future of Kansas high school journalism and journalism education is in jeopardy because the U.S. Supreme Court has decided that the First Amendment does not protect the rights of high school journalists. The bill that you are considering today would ensure that student journalists in Kansas and their advisers could continue to responsibly exercise their rights of free press and free expression.

Ironically, the Supreme Court based its decision on the need of school officials to preserve the student newspaper as a classroom tool for the teaching of journalism. However, I have learned in my 25 years in newspapering and journalism education that the best way to educate responsible journalists is to first teach them professional skills, and then allow them to freely practice those skills. I tell my beginning reporting students that teaching journalism is like teaching swimming. We can teach them the strokes beforehand, but they can't really learn how to swim until they leap into the pool and try it.

The Supreme Court ruling declares that the need to teach students journalism in a controlled classroom setting justifies the suppression of journalism that practices what they have been taught. The flawed assumption of that decision is that journalism consists solely of learned professional skills. In fact, good journalism requires far more than collecting and regurgitating facts. It requires good judgment.

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Journalists set the debate agenda for society by choosing what subjects to write about. In the Hazelwood case, the principal apparently thought that divorce and teen pregnancies were inappropriate topics for debate, even though the students saw them as crucial social problems having an impact on them. Journalists also have to make choices about whether to publish materials that could injure an individual's reputation or invade his or her privacy. Journalists have to learn how to interact with people in authority whom they frequently interview and write about. In other words, would-be journalists have to learn not only how to practice their craft--mechanical skills; they have to learn how to practice their craft responsibly by making many judgments.

They cannot learn how to make responsible decisions if the law does not give them the freedom to make those decisions. Like the beginning swimmer taking his or her first plunge, they may thrash around a bit and even splash water in a few faces. But they will learn, even from their mistakes. Those mistakes are a small price for society to pay for the freedom necessary to educate responsible young journalists.

I know that members of this committee come into daily contact with members of the press. Some of you might also go swimming on occasion. If you were drowning, would you want a lifeguard who had learned the Australian crawl in a classroom but had never been given the opportunity to try it out in the pool? Similarly, would you have confidence being interviewed by a reporter who had learned his or her craft in a school where one official (perhaps untrained in journalism) made all decisions about content?

As the great American historian Henry Steele Commager once wrote, "Censorship always defeats its own purposes, for it creates, in the end, the kind of society that is incapable of exercising real discretion. In the long run, it will create a generation incapable of appreciating the difference between independence of thought and subservience."