

Approved February 26, 1991
Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

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

1:30 ~~am~~/p.m. on Thursday, February 7, 1991 in room 123-S of the Capitol.

All members were present except:

Senator Steineger, excused

Committee staff present:

Mr. Ben Barrett, Legislative Research Department

Ms. Avis Swartzman, Revisor of Statutes

Mrs. Millie Randell, Committee Secretary

Conferees appearing before the committee:

SB 62 - An act enacting the student publications act.

Proponents:

Senator Lana Oleen, co-sponsor of SB 62

Ms. Robin Kickhaefer, newspaper staff, Chapman High School

Ms. Billie Hainsey, copy editor, The Trail Blazer, Council Grove High School

Ms. Denise Neil, member of the newspaper staff at Dodge City High School

Mr. John Karpinski, Editor-in-Chief, The Northwest Passage, Shawnee Mission
Northwest High School

Ms. Carol A. Dreiling, yearbook/newspaper advisor, McPherson Senior High
School; President, Kansas Scholastic Press Association

Mr. John R. Mohn, publications advisor, Ellinwood High School; co-publisher,
Ellinwood Leader

Ms. Traci Carl, Editor-in-Chief, The Budget, Lawrence High School

Ms. Erin Wiard, reporter, The Trail Blazer, Council Grove High School

Ms. Pat Baker, Associate Executive Director/General Counsel, Kansas Associa-
tion of School Boards

Mr. Robert J. King, superintendent, and Mr. Richard Hall, high school
principal, USD 473, Chapman

Opponents:

Mr. Gordon Risk, American Civil Liberties Union

Comments:

Mr. Gerry Henderson, Executive Director, United School Administrators
of Kansas

Following a call to order by Chairman Joseph C. Harder, Senator Oleen was recognized as the primary sponsor of SB 62 (Attachment 1) Senator Oleen informed the Committee that since the introduction of SB 62 about two weeks ago, she has met with various educational lay groups and has distributed to the Committee copies of an amended version of SB 62 which she would like the Committee to consider. (Attachment 2)

The Chairman next called upon Ms. Robin Kickhaefer, a member of the newspaper staff at Chapman High School. Ms. Kickhaefer stated that she supports SB 62, as amended. She informed the Committee that she had been chosen to testify today as a representative of those high schools in Kansas whose journalists have been given the freedom of speech by their administrators. In conclusion, she testified, not all school administrators in Kansas believe in student freedom of speech the way her principal and superintendent do. (Attachment 3) (On file in room 143-N: December 21, 1990 edition of the Chapman High School newspaper, The Dickinsonian)

Ms. Billie Hainsey, copy editor for her high school newspaper, The Trail Blazer, testified in support of SB 62, as amended. She explained that although the student journalists at Council Grove High School already have many of the rights outlined in the amended version of SB 62, they

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

room 123-S Statehouse, at 1:30 ~~xxx~~/p.m. on Thursday, February 7, 1991

would like to see all public high school students enjoy similar rights. (Attachment 4)

A journalism student from Dodge City High School, Ms. Denise Neil, explained how the staff of her newspaper, The Dodger, operates and described specific examples of issues with which it has dealt this year. She stated that the editorial board, which consists of the five top editors on the staff, has the final say "whenever there is a problem or something that requires a tough decision". (Attachment 5)

Mr. John Karpinski, editor-in-chief of The Northwest Passage, a student publication at Shawnee Mission Northwest High School, stated that the U.S. Supreme Court decision in the Hazelwood vs. Kuhlmeier case in 1988 destroyed the basis for dedication to responsible reporting, since a student is no longer in control of deciding what material will go to press. (Attachment 6)

Ms. Carol Dreiling, the yearbook and newspaper advisor at McPherson High School and president of the Kansas Scholastic Press Association, voiced her support for SB 62, as amended. (Attachment 7)

According to Mr. John Mohn, publications advisor at Ellinwood High School and co-publisher of the Ellinwood Leader, SB 62, as amended, will encourage better training for students to understand that journalism rights also include responsibilities. He stated that the bill does not diminish the school administration's ability to control things that could substantially disrupt their system. (Attachment 8)

Ms. Traci Carl, editor-in-chief of The Budget, the Lawrence High School newspaper, discussed the responsibilities and process of publication that her newspaper uses as an example of responsible student journalism. (Attachment 9) (Copies of The Budget dated November 16, 1990 and January 25, 1991 are on file in room 143-N.)

Ms. Erin Wiard, a reporter on the Council Grove High School newspaper, The Trail Blazer, described her journalism lesson on learning objectivity when she wrote her first story on a controversial issue as described in her testimony found in Attachment 10.

When Mr. Gordon Risk, representing the American Civil Liberties Union, was called upon to testify in opposition to SB 62, Mr. Risk explained that his testimony (Attachment 11) was in reference to SB 62 unamended. In his written testimony Mr. Risk objects to lines 42-44, which, he said, prohibit expression "that encourages conduct which constitutes a ground or grounds for the suspension or expulsion of students". Responding to a question, Mr. Risk stated that the amended version of SB 62 contains similar language, and he, therefore, also objects to passage of SB 62, as amended.

Ms. Pat Baker, associate executive director and general counsel, Kansas Association of School Boards, stated that although her organization has supported the concept of student freedom of expression in similar bills in two previous years, KASB has disagreed with specific provisions of the bills. Ms. Baker informed the committee that after reviewing the amended version of SB 62, her organization does not object to its passage. Ms. Baker said she disagrees with Mr. Risk's interpretation of the language to which he objected in SB 62, as amended. (Attachment 12)

When the Chair called upon Mr. Gerry Henderson, executive director, United School Administrators of Kansas, Mr. Henderson affirmed that he agreed with Ms. Baker in that he did not oppose passage of SB 62, as amended. He added, however, that after having listened to today's conferees and reading an article in today's Topeka newspaper, as well as being a regular reader of the Topeka High School newspaper, he asks the question, "What's broken; where's the problem?" He pointed out that the student journalists

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION,
room 123-S, Statehouse, at 1:30 ~~am~~/p.m. on Thursday, February 7, 1991.

who testified today described the process as working very, very well. He said he agreed with Mr. Mohn, the conferee from Ellinwood, that student journalism is a learning laboratory; and he likened the journalism laboratory to all other laboratories in school settings which need to be under the purview of the people given the elected responsibility, and through their appointed administrators, to supervise. Mr. Henderson recalled that during his experiences both as a journalism advisor and a high school principal he had never prohibited the publication of any student writing. He reminded the Committee that no conferee had been confronted with the problem either. He reaffirmed his stance that although his organization does not oppose SB 62, it does not see a need for passage of the bill.

The Chairman thanked the conferees who appeared at today's hearing and called the Committee's attention to information, including a letter and brochure, that had been distributed to them on behalf of the Education Commission of the States.

Written testimony in support of SB 62, as amended, was submitted by Mr. Robert J. King, superintendent, and Mr. Richard Hall, high school principal, USD 473, Chapman. (Attachment 13)

The Chair adjourned the meeting.

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Thursday, February 7, 1991

GUEST LIST

NAME

ADDRESS

ORGANIZATION

<u>NAME</u>	<u>ADDRESS</u>	<u>ORGANIZATION</u>
Earl R. Burris III	522 S. Maple Greensburg KS 67054	Ki-Comm
Jennifer Renee Larrick	214 N. Bay Greensburg KS 67054	Ki-Comm
Darlene Preble	Box 864 Greensburg KS 67054	Ki-Comm
Raymond E. Hochman	520 E. Nebraska Greensburg KS 67054	Ki-Comm
Reg Wilson	Sum Newspapers	
Mary Mubauer	Topeka	Assoc Press
E. Dante Smith	Topeka	H.P.H.S. Bagpiper
Darin R. Juhnke	2424 S.E. California	H.P.H.S. Bagpiper
Adrian Self	531 Gratton Topeka, KS 66616	Highland Park H.S. Bagpiper
Traci Carl	Rt. 1 Box 160 B	The Lawrence High Budget
Hannah Brazee	1013 New Jersey	The Lawrence High Budget
Rachel Stewart	1645 New Hampshire Lawrence, KS	The Lawrence High Budget
Susan Schmidt	15301 Alvan Dr.	The Lawrence High Budget
Fran Bartlett	2411 Apt K129 Louisiana St.	Lawrence High Budget
Cheryl Attkin	3913 W. 10 th Pl.	Lawrence High Budget
Steve Wilford	St Rep.	#68
Debi Ward	Council Grove, KS	Parent of student testifying
Robert Bellino	310 W. Central Wichita	Wichita Fed of Teachers
John Hudnall	4512 Cedar Ridge Ct Lawrence	Kansas Sch. Parents Assoc.
Linda S. Peuntney	3352 Effingham, Manhattan	National Journalism Education Assoc.
Gloria B. Freeland	7213 Neef, Manhattan	Student Publications - KSU
Robin Kickhafer	Rt 1 Woodbine	Chapman Journalism
Eric Davis	P.O. Box 351 Chapman	Chapman Journalism
Jane Duvose	R4 Abilene	Chapman Journalism High

SENATE EDUCATION COMMITTEE

TIME: 1:30 p.m. PLACE: 123-S DATE: Thursday, February 7, 1991

GUEST LIST

NAME	ADDRESS	ORGANIZATION
John Karpinski	7816 Noland rd Lenexa, Kansas	Shawnee Mission Northwest Passage
Blaine Roderique	17411 W. 70 th St Shawnee, Ks.	Shawnee Mission Northwest Passage
Suzanne C. Clarke	2001 Maeuicar Ave. Topeka, KS 66604	1990 KS Journalist of Year, former editor of Junction City, KS, news paper present PR Director for Washburn Student Association
Paul Swearingen	2840 SE Illinois Ave - Topeka - 66605	Advisor, newspaper, video/bk, Highland Park HS
Dedra Clark	3438 SE Michigan - Topeka 66605	Highlander yearbook staff Highland Park
Matt Pettit	2723 Wisconsin - Topeka 66609	Highland park video yearbook staff
Daniel Keeling	2116 Colorado Topeka 66605	Highlander Yearbook Staff
Marcy Zirkel	Rt. 1 Box 133 Council Grove	CG High School KSAA
Fern Wiant	Rt 3 Box 136 Council Grove	CG High School
Belle Hainsey	319 S. Rockhill Council Grove	CG High School
Robin Nichols	Wichita	USD 259
Leslie Harrison	4508 Broadmoor Dr. Lawrence Ks	Lawrence High School
Cleta Remyer	RR 2	Sabetha, Ks
Ruch Hess	Greensburg High School Greensburg, Ks 67054	Ki-Com
Kelly Jermann	RR 2 OSAGE CITY KS 66523	N.S. newspaper Burlington High
Hana Curtis	210 N. Topeka Ave, Burlingame KS 66413	KS. Y. Paul book Burlingame High
Stacio Mangan	201 South Kansas, Burlingame KS 66413	N.S. newspaper Burlingame High
Sheila Curtis	210 N. Topeka Burlingame KS 66413	newspaper yearbook advisor U.S. DUSK
Phyllis Wipf	2007 Hi St., Dodge City, KS 67801	high school year-book + newspaper
Denise Peil	2805 Center, Dodge City, KS 67801	The Dodger newspaper

STATE OF KANSAS

LANA OLEEN
SENATOR, 22ND DISTRICT
RILEY AND GEARY COUNTIES



TOPEKA

SENATE CHAMBER

SENATE EDUCATION COMMITTEE

HONORABLE JOE HARDER, CHAIRMAN

TESTIMONY OF SENATOR LANA OLEEN ON SB 62

COMMITTEE ASSIGNMENTS
CHAIRMAN: GOVERNMENTAL ORGANIZATION
VICE-CHAIRMAN: CONFIRMATIONS
LABOR, INDUSTRY AND SMALL
BUSINESS
MEMBER: ASSESSMENT AND TAXATION
ECONOMIC DEVELOPMENT
JUDICIARY
LEGISLATIVE EDUCATIONAL PLANNING
COMMITTEE
CHILDREN AND YOUTH ADVISORY COMMITTEE
JOINT COMMITTEE ON ARTS AND
CULTURAL RESOURCES

LEGISLATIVE HOTLINE
1-800-432-3924

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 SB 62.

As a ^ofarmer, high school publications 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 relationships they maintain with their advisers and school administrators.

The bill before you has been discussed since its introduction this session. I would like you to consider support of the amended version, as it better reflects a more coordinated effort from a wide variety of education-related interests.

There are a number of conferees who wish to appear before you today on this bill. I do have another hearing to attend, so I have asked Ron Johnson from Manhattan to assist in coordination of the proponents in my absence.

Thank you for your consideration of SB 62.

February 7, 1991

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SENATE BILL No. 62

By Senators Oleen, Anderson, Burke, Ehrlich, Karr, Martin, Moran, Parrish, Walker, Winter and Yost

1-25

9 AN ACT enacting the student publications act.

10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. This act shall be known and may be cited as the
12 student publications act.

13 Sec. 2. As used in this act:

14 (a) ~~“Student” means any person who is enrolled in and attending~~
15 ~~any of the grades six through 12 maintained by a school district.~~

16 (b) ~~“School district” means any public school district organized~~
17 ~~and operating under the laws of this state.~~

18 (c) ~~“Student publication” means any material which is prepared,~~
19 ~~substantially written, or published by students under the direction~~
20 ~~or supervision of a student publications adviser or other certified~~
21 ~~employee of a school district and which is distributed or generally~~
22 ~~made available, either free of charge or for a fee, to members of~~
23 ~~the student body. Student publications include, but not by way of~~
24 ~~limitation, materials prepared in conjunction with English, journalism~~
25 ~~or writing classes for publication in student newspapers or yearbooks.~~

26 Sec. 3. (a) ~~Subject to the provisions of subsection (b), students~~
27 ~~have the right to freedom of expression in student publications,~~
28 ~~whether or not such publications are school sponsored, and no ma-~~
29 ~~terial shall be subjected to restraint from publication by the board~~
30 ~~of education or any officer or employee of a school district. Review~~
31 ~~of material prepared for student publications and encouragement of~~
32 ~~the expression of such materials in a manner that is consistent with~~
33 ~~high standards of English and journalism shall not be deemed to be~~
34 ~~or construed as a restraint on publication of the material or an~~
35 ~~abridgment of the right to freedom of expression in student~~
36 ~~publications.~~

37 (b) ~~The right to freedom of expression in student publications~~
38 ~~conferred by this act does not include the right to prepare, publish,~~
39 ~~distribute or make available any material that is libelous or obscene,~~
40 ~~that so incites students as to create a clear and present danger of~~
41 ~~the commission of unlawful acts, or that encourages conduct which~~
42

(a)

(b)

matter

and which is prepared under the direction of a certified employee.

(a) The liberty of the press in student publications shall be protected. School employees may regulate the number, length, frequency, distribution and ^{format} style of student publications. Materials shall not be suppressed solely because it involves political or controversial subject matter.

(b) Review of material prepared for student publications and encouragement of the expression of such materials in a manner that is consistent with high standards of English and journalism shall not be deemed to be or construed as a restraint on publication of the material or an abridgment of the right to freedom of expression in student publications.

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1 students as enumerated in K.S.A. 72-8001, and amendments thereto.
2 Material specified in this subsection is not protected by this act and
3 is subject to restraint from publication.

4 ~~(c) Subject to the limitations imposed by this section, student~~
5 ~~editors of student publications are responsible for determining the~~
6 ~~news, opinion, and advertising content of such publications. Student~~
7 ~~publications advisers and other certificated employees who supervise~~
8 ~~or direct the preparation of material for expression in student pub-~~
9 ~~lications are responsible for teaching and encouraging free and re-~~
10 ~~sponsible expression of material and professional standards of English~~
11 ~~and journalism. No such adviser or employee shall be terminated~~
12 ~~from employment, transferred, or relieved of duties imposed under~~
13 ~~this subsection for refusal to abridge or infringe upon the right to~~
14 ~~freedom of expression in student publications conferred by this act.~~

15 ~~(d) No expression of material in student publications shall be~~
16 ~~deemed to be or construed as an expression of school district policy.~~
17 ~~Members of the board of education of a school district and other~~
18 ~~officers or employees thereof shall be held liable in any civil or~~
19 ~~criminal action for material expressed in student publications to the~~
20 ~~extent of any such member's, officer's, or employee's responsibility~~
21 ~~for and involvement in the preparation and publication of such~~
22 ~~material.~~

23 Sec. 4. This act shall take effect and be in force from and after
24 its publication in the statute book.

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

(d) Subject to the limitations imposed by this action, student editors of student publications are responsible for determining the news, opinion, and advertising content of such publications. Student publication advisers and other certified employees who supervise or direct the preparation of material for expression in student publications are responsible for teaching and encouraging free and responsible expression of material and professional standards of English and journalism. No such advisor or employee shall be terminated from employment, transferred, or relieved of duties imposed under this subsection for refusal to abridge or infringe upon the right to freedom of expression conferred by this act.

(e) No publication or other expression of matter by students in the exercise under this act shall be deemed to be an expression of school district policy. No school district, member of the board of education or employee thereof shall be held responsible in any civil or criminal action for any publication or other expression of matter by students in the exercise of rights under this act.

ROBIN KICKHAEFER CHAPMAN HIGH SCHOOL

Are high school journalists capable of handling sensitive issues maturely? At Chapman High School in Chapman, Kansas, we think they are, and I'm here to give you some examples of journalists who have done so.

I'm Robin Kickhaefer and I support Senate Bill 62 as amended. I was chosen to represent those high schools in Kansas whose journalists have been given freedom of speech by their administrators. Our administration at Chapman High believes strongly in the value of freedom of speech and does not attempt to censor our publications in any way.

As a result of the administrative support, we feel we have been able to make a visible difference in our community and we think we have done so in a very mature manner.

One example would be the issue on Satanism that we put together a couple of years ago. A copy of this issue is in the folders that you have received. Our journalists contacted a variety of local, state and nation-wide resources in writing the stories for this in-depth report. At times it was really frightening because Satanism is a chilling topic to cover and we had warnings from the public not to cover this topic. However, our journalism staff became very dedicated in wanting to cover the topic accurately so that Kansans would know about the spread of Satanism in our state.

Not only did the students at our school read the copy carefully, but the paper was sent to all the schools in our league and teachers in other schools told our adviser that they used the paper for class discussion. We ran two thousand copies of this issue (when our normal circulation is 500) and received numerous requests from groups across the state that wanted to know more about Satanism and its growth in Kansas.

In fact, we have run low on copies of this paper because so many groups wanted to use this issue for their group discussions. We received dozens of thank you notes from different groups and members of the community for being willing to tackle such a sensitive topic.

When Lieutenant Lee Orr, who had covered several satanic crimes in the Kansas City Area, visited our school, he said that he had not seen a finer coverage of the topic of Satanism anywhere, which made all the hard work worthwhile.

Last year in a study of teenage crime in Kansas, our administration allowed us to set up a mock robbery of the ALCO store in Abilene. The managers and police were informed about the planned robbery, but of course the clerks in the store were not informed.

When journalists were able to shoplift nearly 500 dollars in items from the store, including walking out the door with a 16-foot ladder and a vacuum sweeper, store management was amazed. The management developed a much stricter security system for shoplifting in the Abilene store which was later carried nationwide in ALCO stores. As a staff we were excited to think that we could conduct a study that would lead to improvements not only in our community but across the nation as well. High school students CAN MAKE A DIFFERENCE when they have the freedom and responsibility to do so!

One journalist spent the night in Abilene's jail so he could write about his feelings while in jail. It was a powerfully written article and the student capably portrayed some of those individuals he met in the jail.

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That particular newspaper was submitted in national competition when we went to St. Louis last year and took fourth place in Best of Show competition for the total newspaper. It was really rewarding! We believe that without being allowed to go beyond the censorship that many high school papers are subjected to, we would not have received such an award.

Equally rewarding was the opportunity our administration gave us to sit in on the press conferences for First Lady Barbara Bush, former President Ronald Reagan and others. It is thrilling to be treated as an adult in the journalistic world and to be able to cover topics of real importance to our readers.

Our journalists have composed in-depth reports on date rape, abortion, drugs and alcohol, teenage depression, Fort Riley expansion and others.....all under the supervision of our qualified adviser, but with the freedom to research the topic fully and write about the topic as best we could.

We believe that since the articles are written by high school journalists, they are more widely read by the high school students. However, it is thrilling to watch copies of our paper placed at the grocery store or McDonalds disappear because the adults want to read them, too.

In conclusion, I'd like to stress that many of these issues would have been censored by other administrators in the state because not all administrators believe in student freedom of speech the way our principal and superintendent do. We appreciate the freedom they give us at Chapman and we hope our mature approach toward handling sensitive issues has shown that high school journalists can do so responsibly.

Thank you for listening and please support Senate Bill 62 as amended.

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Billie Hainsey
Council Grove High School
The TrailBlazer Copy Editor

To the Senate Education Members:

As copy editor of our high school newspaper, *The TrailBlazer*, I would very much like to see Senate Bill 62 passed as amended.

At Council Grove, we have been fortunate. We already have many of the rights that this bill would offer all Kansas high school journalists. Our principal is supportive of the journalism department and has enough faith in our adviser to turn control of our publications over to us under her guidance. He doesn't even look at our paper before it goes to press. But not every high school is as lucky. This bill, however, is still important to us. We would like to see all public high school students have the rights that we enjoy.

Freedom of the press can do many things for student journalists. It allows student editors to play the same role as their professional counterparts. If student journalists do not have a principal censoring and making content decisions, those decisions fall to them under the guidance and instruction of their adviser. Making these decisions while using the ethics taught in journalism builds an individual's character.

In my three years in journalism at CGHS, I have learned so much. I am planning to go into journalism as a career. If I had not been allowed the freedom I have, I probably would have been frustrated enough to get out of journalism.

The objectivity I've learned reminds me to know the whole story before I make decisions and to always keep the other person's point of view in mind.

Also, my writing has taught me that I can disagree with others as long as I don't attack them, and I back up my statements with facts and reasons. Another thing that my freedom of the press has done is to make me think about what is important to other people. That makes me more aware of the world around me.

Not all of these lessons came from a book, however, and none of them came from censorship. There have been times that things we have published have gotten our adviser into trouble with the principal. But he has allowed us the freedom to make mistakes, and we have grown from them.

One particular incident was an editorial cartoon that was very poorly done. Some of the staff members thought it was funny, and no one really thought that it would cause trouble. It was one of the only things that our editorial cartoonist had done all year, so we didn't want to discourage him by not running his cartoon. When the paper came out, some people found the cartoon offensive, and the principal was furious at our irresponsibility and our unprofessional manner. We learned something that day that we otherwise might have never known.

We think this bill is important because we want all student journalists in Kansas to have some of the experiences that freedom of expression has given us. Please vote for Senate Bill 62.

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Senate Education Committee Testimony
Senate Bill 62
February 7, 1991
Denise Neil

I support Senate Bill No. 62 as amended.

I think perhaps the reason people are afraid of allowing students to operate their publications without censorship is because they simply don't know how we operate. I think most people still think that student papers are out to attack unpopular administrators, advocate anarchy and encourage peers to ignore the law, get pregnant, drink and stage walk outs whenever they feel necessary.

Or, on the other hand, as merely a means for the newly crowned homecoming queen to relay to her court of students how surprised she is that she received the honor, for the football team to assure everyone that they are the best in the state, and a place to find the latest in debate team results. Neither is the case.

Let me tell you how the Dodger operates.

We produce from 11 to 12 issues a year. They vary from 8 to 16 pages an issue of news stories about what is going on in the school, feature stories dealing with issues of concern to students, opinions of staff columnists and an editorial. All decisions for the content of the editorial and the stance taken on the subject are made by the editorial board. The editorial board consists of the five top editors on the staff. We meet before each issue and at other necessary times.

Whenever there is a problem or something that requires a tough decision, the editorial board has the final say. These five people serve as the checks and balances, so to speak, of the newspaper. No one person has too much say so and no decision is made from one opinion.

Our editorials try to offer opinions about certain subjects to the students. For example, our first editorial praised the changes that had been made in our school for the new school year. When a controversy arose about our STUCO president being caught drunk at a school function, the editorial pointed out that and other failures of the council and suggested a change. When a mother said at a school board meeting that her daughter could not walk down the halls of our school without being beaten up, the editorial expressed the opinion of most students and defended the safety of our school.

Our paper also contains a section we call "In-depth." This section takes one issue we find is of timely concern to the students and examines it closely. Some of our in-

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depth subjects have been the effect of after school jobs on students, alcoholism, student environmental concerns and most recently, student feelings about the war in the Gulf.

It is important to understand that our paper, and most student publications, are not always on the prowl for controversial subjects. On the other hand, we do not try to avoid them either.

As I said before, the stories we write deal with what the students are concerned about. Our pages on alcoholism came after the alcohol-related death of a senior in November. When we found out many students were tired in class because of working at jobs late at night, we addressed that subject. And with the number of students with relatives in the military and concerned about the war, our coverage told the students they were not alone in their fears.

Every story that appears in the Dodger is thoroughly backed up by quotes and documented facts. News stories are factual and unbiased. We try to be on the scene of events that will have an effect on our school and get first hand information.

When our principal was arrested in Wichita on charges of lewd and lascivious conduct and sodomy, the staff knew it would have to cover it. I decided to write the story. The way I went about it is the way we try to go about every story.

The day after the arrest was made public, I called the Wichita police officer who was involved with the case. I asked the officer details like where the arrest had taken place, what the charges were and who else was involved in the arrest.

Next, I called the Wichita Municipal Court. I interviewed the court supervisor about things like the date of the trial and the maximum sentencing for the charges.

I interviewed the assistant superintendent to find out how the arrest was going to be handled in the school. He was extremely cooperative, even giving us more information than he had given the daily media. I also interviewed faculty members and students to get their feelings on the impact the arrest had had on the school.

The editorial board decided that we would also cover the issue in the editorial. We praised the administration, faculty and students for handling the issue without allowing it to interfere with the educational process.

The day after the issue with the story in it came out, a staff member reading the Hutchinson News came across a story about our principal. That story turned out to be a summary of my story. The News had used my information and my quotes and I realized

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how important it was that we covered the story. It would have been easier to avoid it and let people read about it in the local papers, but it was our school being affected and people looked to our school paper to provide them with accurate information.

Some administrations may have considered that story to be too controversial for a student paper. They may have thought it would create a disruption of normal school activity. Some administrations may not have allowed it to be printed. Under the current law, they have that right. In that case, not only would we have been the losers, but so would the students and members of the community.

Another example of the impact our paper has had occurred earlier this year when a reporter was covering a student council meeting.

The members of the council discussed, voted on and passed a plan to be involved in the Adopt-A-Highway program. The reporter interviewed the Student Council sponsor and the vice president who both said that the plan had passed. After the story appeared, at the next meeting the vice president and sponsor complained that the Dodger shouldn't have printed the story, because now, STUCO had to go through with it, or they would look bad.

Later, when talking to a friend about the incident, he said to me, "well, that's what a newspaper is for, isn't it? So politicians do what they say they are going to do." The student council officially adopted their highway last month.

Our paper is careful to avoid libel and slander. Our staff knows when something doesn't seem right and we check it out.

When we covered the story about the STUCO president I mentioned earlier, we obtained legal advice about whether or not we could print that the president, who was under age, had been drinking.

We do not just cover an issue when it comes up. We meet, and discuss what questions the story may raise, whether legal or moral. We try to make sure we report the news, not create it.

I hope these specific examples of issues we have dealt with just this year illustrate that it is not necessary for student journalists to work under the threat of censorship.

We receive many papers from other high schools in Kansas, and by reading them, I believe high school journalists in this state are responsible and understand the boundaries of good journalism.

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Neil 4

The purpose of high school publications is to open lines of communication between students, faculty and the community through what we write and the opinions we express. That is the goal of the Dodger, and this year especially, we have been accomplishing that goal.

The Dodger is lucky. After our principal was arrested, I was worried. He had never tried to interfere in the subjects we covered. Fortunately, our new principal is just as supportive and helpful.

However, I can still feel the frustration of staffs who are censored. I heard of a high school this summer whose school board had just drawn up a list of subjects the staff could not write stories about. The list included things such as teen pregnancy, alcohol among teenagers and other sensitive subjects. This is not the way to prevent these problems.

Students can't be informed if they can't be educated. They can't form opinions without open communication.

We are students. But we are students learning to be journalists in a free press. And we are writing for students learning to be decision makers, legislators and independent citizens. Censorship is not doing them any favors. It is not protecting them. It is, if anything, hindering them.

Something that has been forgotten somewhere along the way is publication advisers. Each and every student newspaper and yearbook in Kansas has an adviser. These people are educated in journalism. They know the boundaries, and the majority are responsible enough to tell students who may get carried away where to draw the line. Something else that has been forgotten is the first amendment to the Constitution. I am eighteen years old. I am a legal adult. But because I am a student, I am to assume that freedom of the press does not apply to me.

Last year, I wrote a letter to each member of the senate in support of House Bill number 2234.

At that time, I wrote, "The entire purpose for publications is to keep readers informed of worldly and social events and happenings. The reason America has freedom of the press is to protect the right of the people to know these things and form their own opinions and judgments."

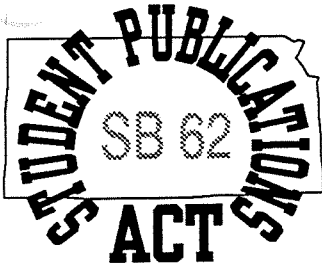
I still believe this, with one exception. I no longer believe keeping my readers informed is my entire purpose.

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Neil 5

Keeping communication open is my purpose. Encouraging students to think is my purpose. Letting the community know that their high school students are competent is my purpose. At the same time, I'm keeping my readers informed.

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John Karpinski
SM Northwest
February 7, 1991

Good afternoon, my name is John Karpinski. I am the editor-in-chief of The Northwest Passage. Thank you for this opportunity to speak to you today in favor of the passage of Senate Bill 62 as amended, the Student Publications Act.

As a democratic society, we look down on the concepts of authoritarianism, elitist control, and unjustifiable, unnecessary exercise of individual power. Censorship is a practice which embodies all of these.

In the Shawnee Mission district, as well as school districts across the state, high school students are required to complete one semester of American Government. Among the things we are taught in this course are the concepts, rights and responsibilities granted by the Constitution and the Bill of Rights. According to my instructor, the first amendment guarantees us the rights of freedom of speech and press. He stressed to us that the freedoms expressed in the Bill of Rights are for everyone—no exceptions.

Later in the day, in my journalism class, I discussed a controversial story regarding drinking in our school parking lot with my news editor. We were concerned with the way the administration and police had handled the situation. Their actions had, in our opinion, placed students in a potentially dangerous situation. Although we felt very strongly about this issue and debated it at length, in the end, we decided to remain silent. We didn't want to upset or offend the administration. You see, at Shawnee Mission Northwest High School, we currently practice journalism literally without censorship; however, we also face constant pressure from forces both within and outside of our school to only print the good news. At what point would our principal feel obligated to begin to read our paper prior to publication? We don't know. We don't want to find out. Therefore, we censor ourselves. We do not truly determine the content of our publication—our fear of possible censorship does.

Freedom of the press, even where censorship does not currently occur, does not exist in its truest form in public high schools of the state of Kansas. Where there is no censorship, students live in fear of incurring it by printing information which is critical of administrative actions or of the actions of student organizations.

Prior to the U.S. Supreme Court Case, *Hazelwood vs. Kuhlmeier* in 1988, dedicated student writers had the opportunity to learn and practice freedom of expression under the guidance of qualified advisers. Now, school administration is free to wield censorial power whenever they see fit. Instead of writing with the intent to inform readers in a fair and unbiased fashion, many student writers must now make pleasing the principal their chief concern. In some cases, the 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. Prior to 1988, student journalists had the opportunity to learn and experience constitutional press freedom, a concept that has never meant libel, obscenity, sensationalism or exploitation of controversial issues. At the same time, the journalism advisor was able to teach each student about the responsibility that comes with the exercise of first amendments 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. Students are not the irrational people that the opposition to this bill may make them out to be. Newspaper staff members have taken classes on ethics and libel and they have learned how to edit their stories. They avoid writing careless and possibly detrimental stories.

I say that cooperation, not authoritarianism is the answer. A successful publications program is one in which the students editors, adviser, 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 students their rights as citizens, and it will allow the adviser 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 leaders of tomorrow may discover the responsibility that accompanies freedom through education in the present, not through mistakes in the future.

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Carol A. Dreiling
Yearbook, Newspaper Adviser
McPherson Senior High School
President - Kansas Scholastic Press Association

As an adviser with 19 years of experience, I would like to voice my support for Senate Bill 62 as amended. Having taught in four-year high schools with enrollments as small as 54 and in schools with enrollments topping 1,200, I feel that I have an understanding of high school journalism and the role it plays in the lives of Kansas students in 1990's.

My journalism roots go deeper than that; I wrote for my own high school newspaper in the 60's, and I worked on my college yearbook.

With experience that spans more than 25 years, I cherish the freedom of the scholastic press. As an classroom teacher, I can see the impact of student journalism. It demands critical thinking, concise writing, editing skills, organization and responsibility. Students today explore issues such as AIDS, school board elections, substance abuse, asbestos removal and teenage suicide alongside the reports of the activities of KAYS and FFA. It is the realm of the scholastic publications to offer the students such a voice.

As students are taught the principles outlined in the Declaration of Independence, the Constitution of the United States, and the Constitution of the State of Kansas, high school journalism allows them to exercise their views as guaranteed under these works.

The role of the adviser in the journalism classroom is a complex one. On the one hand, the adviser directs, challenges, supports and guides the students; at the same time, he must allow for creative thinking. He must understand the community in which his students write. He must train the student journalists not only in press rights, but just as importantly in responsibility.

Student publications are a healthy outlet for student expression. Often student concerns can be voiced effectively in the school paper or yearbook. This permits students to vent frustrations and to voice ideas that might otherwise erupt in inappropriate behaviors.

Students with whom I have worked in the journalism staff room are certainly aware of the power of the printed word. They respect it. They are also sensitive to current issues and to

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the people involved in them. I have had a staff who chose not to run a story about the student president of a club who was accused of manipulating the activities/funds of the group for her personal benefit. On another staff, student journalists surveyed several black families about the content of a history feature story that the students felt might cause undue embarrassment to the families.

When students make decisions about the content of their student publications, they get a sense of ownership and pride. With the help of the adviser, students learn to make sound judgments.

Is Kansas scholastic journalism in jeopardy? When a censorship policy becomes part of the district handbook in a southeast Kansas town, when a principal reads the contents of the school paper prior to publication in a central Kansas community – I would have to say yes. When Kansas High School Activities Association figures show that more than 1/4 of all Kansas high schools do not have a school paper (that figure includes one 5A school, six 4A schools and twelve 3A schools) – I would have to say yes. Students in these communities are missing the opportunity to make an invaluable contribution to their high school; the schools have missed the opportunity to allow their students the chance to exercise democracy. We read about mock trials being held in a high school government classroom and mock elections being run to coincide with the national one in November. In the journalism room, we have the perfect situation to permit students the real exercise of the rights we hold dear.

I assure you that the kind of newspaper for which I wrote at age 16 no longer exists in Kansas. Yearbooks, like my college one, have been replaced by real history “yearbooks”. Today’s scholastic journalism is more creative and more vital than in past years. I believe that it is certainly more important.

As an high school newspaper and yearbook adviser, as the mother of two high school students who benefit from a strong journalism program, and as the president of the Kansas Scholastic Press Association, I urge your support of Senate Bill 62 as amended.

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Answers to Possible Questions Concerning **Student Press Act**

written by

John R. Mohn, Ellinwood High School
Tony Furse, Great Bend High School

Q: Why do we need this bill?

A: Currently a broad application of a recent Supreme Court case, *Hazelwood*, threatens democratic educational concepts. The *Hazelwood* decision said that a high school administration that had been previously involved with prior review of student material submitted for school publications could censor material that is not considered libelous or obscene. It is now possible that school administrators will believe that anything substantially uncomfortable to the school administration should be stricken from student publications.

The problem is that school administrators are public officials. The 1969 landmark case of *Tinker vs. Des Moines* pointed out that students do not shed all of their First Amendment rights when they enter the schoolhouse doors. Neither should they shed these rights when they are given the opportunity to work on student publications. Students should be able to express their views responsibly without being unfairly censored by fearful school officials.

As well, no administrator or adviser should be punished for something a high school student writes which is generally protected by accepted rules of free speech. It is not fair to school systems and school administrators to expect them to be responsible for unfavorable, yet legally protected, expression written by students. Caught in a bind by the *Hazelwood* decision, administrators are likely to overreact by squelching student publications. Because administrators cannot review everything before publication, and fearful they can be held responsible for anything, they may be prone to heavy-handed censorship of legitimate student expression. Democratic educational practices then suffer.

Q. You mean to say that students should be able to print whatever they want with no restraints?

A: No. They can, and should, be restrained from publishing anything which is libelous or obscene, or anything which advocates unlawful behavior or is substantially disruptive to the school system.

Q: How should the school handle legally objectionable material?

A: Students must be taught their legal responsibilities. Advisers must see that their students do not damage themselves or their publications by violations of this type. Advisers or administrators, with clear proof of potential violations, could censor. Not only would it be the school's right, it might also be its responsibility. The printer of the publication also could bear some responsibility for the publication of unprotected objectionable material.

Q: Who should have to pay if the students print damaging material?

A: The students who created the damage should shoulder the primary responsibility. The adviser and other people involved, however, could be responsible according to their involvement. For example, a principal who doesn't read material prior to publication should have absolute minimal liability. His liability involves only the hiring of a competent adviser and the establishment of a healthy educational environment for his school publications.

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Q: This bill seems to be pushed heavily by publications advisers. Is it meant to give them power over their administrators?

A: On the contrary. It is meant to support both administrators and advisers. The advisers are willing to accept responsibility for the actions of their students. They do not believe that the administrators should be held accountable for the actions of students who are not under the administrators' direct scrutiny.

Q: Certainly the school has some responsibility to the public to control the contents of school publications?

A: The school is responsible to hire competent advisers, to provide adequate facilities and equipment, to establish clear guidelines, and to allow freedom of expression in all areas that are generally considered to be protected under this bill and under the general laws of the Kansas Constitution.

Q: Tell me again why we should bother passing this bill.

A: The Student Press Act provides guidelines for discouraging random censorship of student journalism. It provides guidelines for responsibility as well as protection for democratic educational principles. Freedom of speech in a democracy is inviolate because it is a necessary ingredient for democracy to function. And freedom of expression in a democracy's school system is necessary to ensure that freedom of speech in the democracy remains inviolate. This bill reminds people that the Kansas Constitution applies to high school journalists, and that student publications should be seen for what they are: publications written and edited by students.

Q: How will this bill affect the principal's relationship with the adviser?

A: A principal who does not exercise censorship practice will find his legal burdens lightened. Yes, he might still feel the threat of libel to some degree, but the bill will help protect administrators from public reaction to immature, childish or unpopular views. For example, if libel is committed and the administration has hired a competent teacher and has given that teacher freedom, then the teacher and students should bear primary responsibility. On the other hand, suppose the school hires an unqualified teacher, and that teacher makes a series of journalistic mistakes. Then, if the teacher, who already has demonstrated questionable competence, allows libel to be committed, the school might bear considerable responsibility.

Relieved of legal responsibilities of overseeing student publications, principals could act as friends and advisers to the journalism teachers. Now, fearful that they will be raked over the coals for what students might say, principals often resent their school publications.

Q: But isn't it the principal's job to control what goes on in the school?

A: Yes, to the extent that current law allows.

Q: Let's get out of the ivory tower. Students need to learn how to function in the real world. In the real world, reporters don't tell their publishers what they want to print. The students are the reporters; the school is the publisher.

A: Student journalism is also a "real world." Student publications do operate like professional publications. They have editors, photographers, reporters, designers and typesetters, etc. These people must learn how to function in these roles, or the publications do not succeed. But there is an important difference between a privately-owned publication and a school-sponsored publication. Instead of claiming that the student editors and the school officials represent a newspaper's reporters and its publisher, try comparing the school publication's relationship to its administration as you would to

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the town newspaper's relationship with the mayor and city council. You see, the school is a government entity, just like the mayor and city council are government officials. The school is not a privately-owned publisher. What private newspaper in Kansas would allow the mayor and city council to censor material it publishes that they find offensive?

Q: What are the educational values in this bill?

A: The bill will encourage better training for students to understand that journalism rights also include responsibilities. Freedom of the press is not carte blanche to ridicule others.

The bill would allow government class concepts concerning freedom of speech and freedom of the press to be practiced in journalism classrooms. Currently, in many Kansas high schools, students study the Declaration of Independence, the Constitution of the United States, and the Constitution of Kansas, and then are censored by government officials for expressing their views as they exercise these rights. Often the views censored are views unpopular only with the government officials doing the censoring.

Q: Are you certain this bill won't weaken the authority of school administrators? They need to have all the authority they can get to control their school systems properly.

A: The bill in no way diminishes the school administration's ability to control things that could substantially disrupt their system. It authorizes restraint of libel and obscenity. Publications could also be restricted for substantial disruption to the school process. The bill simply forbids administrators from censoring student views which are protected and inviolate. Since it should not be the principal's responsibility to control student expression, he should not be fearful of being held accountable for unpopular ideas. He can share his views with students and help them understand how people might react to their opinions without having to dictate to the students what they should believe. Or dictate what they should write.

Q: How will this bill help the administrator deal with the public if they dislike certain things that students say in their publications?

A: Because the principal should not be responsible for controlling the content of the publications, he can react to public concerns less defensively. He can help the public see that squelching unpopular student opinion is worse than allowing it to surface. Boilers have steam escape valves to keep them from exploding. Student publications are often likened to steam valves. The system always works better if the steam valves are free to function.

Q: How serious is the censorship problem in Kansas school publications?

A: We hear about situations involving unfair dictatorial suppression of student expression, but administrators are not terrible people out to suppress the rights of their students. Some Kansas administrators seem to function as if this bill were already law. By passing the bill, we would reinforce administrators who do not wish to be saddled with deciding whether or not the school paper or the school yearbook should run a feature about a controversial topic. But those administrators who, for some reason, wish to become involved with their student publications and try to control their contents can still do so. The bill, however, makes it clear that school administrators do not have to squelch the voices within their schools. In fact, it is a clear mandate to the opposite. It is time that we recognize that dictatorial suppression of student opinion does not create graduates educated in the workings of a democracy.

February 7, 1991

School censorship

This is the real world: educational values are suffering

TO: Kansas Senate Education Committee
SUBJECT: SB 62
FROM: John R. Mohn, Ellinwood High School
Publications Adviser, Ellinwood Leader Co-publisher

I am asking you to pass Senate Bill 62, the Student Press Act, as amended.

Last year House Bill No. 2234, a clarification of school press freedom which had passed 99-26, died in the Senate. Now, I am excited that so many members of the senate have elected to submit a new bill this year that again addresses some very real problems within our educational system.

One real problem that I have in talking with people about high school publications is that most have an erroneous view of the school press, and they say that students need to learn that they simply can't publish anything they want. In the "real" world, say some people, reporters don't tell editors what is going to be printed in the paper. How can high school students get away with telling their publishers (administration) what they are or are not going to print? Certainly it is tempting to compare school publications with private publications. The school publisher appears to be the board of education. According to this view, the chain of command starts with the board and superintendent (publisher), goes to the principal (managing editor), then to the adviser (editor). The student journalist is really like a reporter who must answer to his or her editor.

With this analogy, nobody would say that the student journalist has a right to publish anything that the adviser or the principal or the superintendent believes

should not be published. That would be like saying a reporter on the city paper could publish a story the editor decided to kill.

Why, then, do high school advisers across Kansas not understand this concept? Why do they insist in establishing some sort of nebulous "freedom of the scholastic press" concept? Why can't they see how things are out there in the "real" world?

The truth is that a real world does exist for high school journalists.

High school is not a fake world. High school newspapers are not fake newspapers; they are learning laboratories, published classroom expression. They are not newspapers operated by a company for profit or for company internal communications.

Instead of comparing the high school publication to your local paper, why don't you consider the open forum concept? Absurd as it may sound, the high school newspaper is very much like an open forum created by the establishment of a city park. Let's compare a school newspaper with a city park.

The park is funded by tax money. So is the school newspaper. The park is maintained by city employees paid by taxpayer's money. The school newspaper is advised by a school employee paid by taxpayers' money. The city employees have a city manager, a mayor and an elected city council. The adviser has a principal, a superintendent, and an elected board of education.

The city allows its citizens to gather and to speak freely in the park. The school

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allows its students to publish the school newspaper.

Would you support a mayor who censored the content of the speech of the citizens in the park because he was the taxpayer's representative and he was charged with controlling the thought of the citizens in the park? Of course you wouldn't.

Neither should you allow elected school board members to encourage their administrators to control the thought process and censor the voices of the students writing for the school newspaper. That's the same as telling English teachers to censor the thought process of their students and government teachers to censor the thought process of their students. That's the same as telling citizens they may only speak on non sensitive issues in the park.

Yes, that is the real world. You are paying taxes to a school system that can openly suppress the contents of school newspapers if the contents do not please the school administrators.

What about libel and obscenity? you may ask. Are high school advisers demanding that their students have the right to print whatever they want with no restraint? No, they're not.

Because the school establishes the newspaper, or the radio, or the play, whatever the case may be, for educational purposes, it seems reasonable to expect the school to be responsible to give the students proper advice. And, yes, if the students commit libel, the school or the adviser is and should be held responsible, as well as the students, and the school should exercise proper controls. Neither should the students be able to advocate illegal behavior or behavior that would substantially disrupt the school system. That's not the issue.

The issue is that students today can be told they cannot:

1. Ask the athletic director how much the new flag poles on the football field cost and from what part of the school budget were those flag poles funded.

2. Write a satirical story about students who kiss and fondle in the halls during school hours.

3. Print stories about teenage pregnancy because the issue is too sensitive.

4. Investigate the reasons why school board members voted yes or no on sensitive issues.

5. Write editorials in opposition to a constitutional amendment to prohibit flag burning.

Yes, the real world is that high school journalists now may not voice their own personal opinions or write news or feature stories on issues that their administrators (public employees directed by elected officials) consider too sensitive. A story could be reasonably accurate, reasonably unbiased, clearly not libelous or obscene, pose absolutely no threat to the operation of the school system and be censored for no reason by any school administrator.

Do you think that is the right thing for our schools to do? Do you think that schools in a democratic society should exercise Orwellian thought control over students in high school?

If not, then please pass Senate Bill 62 as amended because it helps clarify the rights and responsibilities of those involved with the school press.

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Testimony of Traci Carl
Editor in Chief
The Lawrence High Budget school newspaper

The provisions of the Senate Bill No. 62, section C, are sufficient restrictions to student publications. Any further restrictions are suppressing opinions and ideas. A faculty member could force a paper to withhold an untrue statement or any other libelous or obscene matter, but he would be restricted from censoring material simply because he does not agree with it. Freedom of speech is a powerful right and must be used carefully and professionally. Student journalists realize this and are capable and worthy of the same constitutional right that every other American is granted. I would like to discuss the responsibilities and process of publication that The Budget uses as an example of responsible student journalism.

Requirements for a staff position on The Budget:
One semester of beginning journalism or special permission
Approval of adviser

Responsibilities:

The students are responsible for almost every aspect of publishing the paper, from selling the ads to designing the paper. They also determine the content and policy of the paper (See copy of The Budget policy). Although the paper is a class, students must also spend time before and after school. It is an activity that requires time, knowledge, dedication and judgment. The Budget is primarily self-sufficient, depending on the sale of ad space to cover the cost of the printer and supplies.

Process of publication:

There are two weeks between each paper. The first day has been set aside for the entire staff to discuss upcoming and past issues, controversial topics and story ideas. The next few days stories are then turned into the individual page editors. They read and edit the stories and pass them on to the editor in chief to read and edit. Finally, a paraprofessional, who has worked on The Budget for 10 years, reads and edits all stories for clarity, grammatical mistakes and accuracy. The editors then design and lay out their pages.

How the paper deals with sensitive issues:

The editor in chief will consult the adviser, other school or professional newspapers, journalism professors and teachers, and experts on the issue about the sensitive topic. If school policy is involved, they may contact school administrators. Then this advice is told to the newspaper staff and they discuss what they feel should be done, weighing the suggestions and their own opinions. Then the staff takes a vote as to what the paper will do. If someone, such as a parent or an administrator, is concerned, the staff listens and considers the concern. They then write or speak to the concerned person about the staff's decision.

Examples:

This year a few parents felt an ad offering gay and lesbian students counseling was inappropriate. The staff knew of students who the ad applied to and felt it was reasonable and in good taste. A committee of administrators, a school board member, the assistant superintendent of schools, myself and the adviser was formed to discuss the ad. It was determined that the ad was appropriate. I spoke to the parent advisory board to explain The Budget's position and answer any questions. They approved the ad. It was allowed to continue being published.

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Another example of the staff dealing with a sensitive issue is when the administration recently questioned The Budget's policy of publishing unsigned letters. Mary Lou Wright, school board member, and Brad Tate, principal, were opposed to the unsigned letter to the editor policy. The staff discussed changing the policy but decided to let leave it the same. (See letter handout)

Censorship is the suppression of opinions or ideas. It is not the journalist's, the principal's or the adviser's responsibility to decide which opinions or ideas are correct. Their responsibility is to report these ideas and opinions accurately, clearly and fairly. Then it is the reader's responsibility to decide for himself what idea or opinion is right for him.

Student journalists put a lot of work and responsibility into publishing a paper. They are prepared for and deserve the same right to freedom of expression as every other American has. Prior review is the administration printing their ideas and controlling the student body's information and ability to communicate with each other. What would the administration be saying to the students if it censored a well written, accurate story on drug abuse? That it doesn't exist? As the Student Press Law Center says: prior review violates First Amendment guarantees and is an educationally unsound practice.

Handouts:

Copies of The Budget

Copy of letter to Mary Lou Wright and Brad Tate

Copy of The Budget's policy

Copy of speech

Publication Guidelines for the Lawrence High School Budget

The school press is governed by the same basic legal rights and responsibilities as the professional press. High school journalists have the right guaranteed in the First Amendment of the U.S. Constitution to free expression insofar as published items may not contain libel or obscenity, invade the privacy of individuals, incite or violate the laws of copyright.

With the right to freedom of expression comes an obligation to the highest ideals of the journalistic profession. These include responsibility, freedom of the press, independence, sincerity, truthfulness, accuracy, impartiality, fair play and decency, Good taste should be exercised in all content.

Stated generally, the goals of the student newspaper at Lawrence High School are to inform, entertain, interpret (through editorial commentary and bylined articles), and provide a sounding board for ideas and opinions of students and faculty at LHS. In addition, it is understood that the publication is primarily designed to serve as a laboratory experience for students interested in learning techniques of sound journalistic practice. While staff members are expected to strive for professional quality, we recognize that they are engaged in an educational venture, and as such, room for trial and error must be allowed.

While the adviser may provide suggestions about content, the final decision rests with the editorial board of the publication. This editorial board shall consist of the editors of *The Budget*, the student newspaper of LHS, with the editor in chief serving as chairman. Editorial board decisions should use these guidelines as models.

I. Content Guidelines

- A. The publication should be free of profanity, vulgarity, and words which have acquired undesirable meaning, as judged by the generally accepted standards of the community.
- B. The publication shall contain no statements derisive of any race, religion, or national origin.
- C. The publication shall avoid editorial material which criticizes individuals rather than their policies, which is viewed to be a personal attack.
- D. Publications shall avoid naming and publicizing students who have violated public law.
- E. Expressions of opinion in an article on controversial issues and subjects must be clearly identified as such by means of direct or indirect quotes or by means of a byline. Except for standing columns or occasional news analyses, articles of this nature should be reserved for the editorial page, or other pages clearly labeled as opinion.
- F. Unsigned editorials are to appear only on the designated editorial page and are to represent the majority opinion of the editorial board. When an editorial represents the opinion of the writer only, it shall be signed.
- G. Letters to the editor are to be signed when submitted to the editorial board. Names may be withheld from publication only with the approval of the editorial board who shall consider the following criteria when making its determination:
 1. the truth of the statements made in the letter must be researched by the editors;
 2. publication of the letter may result in repercussions of a serious nature for the author;
 3. it is generally understood that a letter carrying no signature carries less credibility than one that is signed.

The paper reserves the right to edit letters for length and repetition. Publication of letters is subject to the laws of libel and defamation, obscenity, incitement and copyright. Publication of letters will be determined by a majority vote of the editorial board.

- H. To maintain independence and integrity, the publication shall not become involved in, or take sides with, any rivalries or jealousies within the school. No person or

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organization is to be permitted to use the publication to his or her own ends--be that the editor, staff member, the adviser, a teacher, the administration, or someone outside the school.

- I. If a student's name or picture is used as an endorsement in an advertisement, a release form must be signed by both the student and his or her parents prior to publication of the endorsement.
- J. Paid political advertisements will be accepted with the name of the payee clearly indicated in the advertisement.
- K. Advertisements of alcohol and tobacco will not be accepted.
- L. Items of a controversial nature will be discussed by the editorial board. Students are expected to take an active interest in the events around them, and, accordingly, there are no such things as "taboo" topics. Publication of controversial stories shall be decided by a majority of the editorial board.
- M. An error of fact in any edition will require a labeled statement of correction in the following edition if deemed appropriate or feasible according to space limitation.

II. Financing

- A. The newspaper is financed through advertising.
- B. The newspaper receives approximately \$750 from the Board of Education.

III. Publication Staff

- A. Staff members, once named to a specific position by the adviser, are to fulfill all duties and responsibilities of that position as set forth in the job descriptions. Failure to do so may result in removal from that position and possible removal from the staff. The decision is to be left to the discretion of the adviser.
- B. Newspaper staff members shall enroll in the *Budget* class after completion of Beginning Journalism or with the permission of the paper adviser.

IV. Professional Organizations

- A. Membership in press associations is encouraged for the purpose of obtaining varied and outside critiques of student work.
- B. Membership fees will be paid from the newspaper budget.

EDUC
2/7/91
A9-4

Feb. 1, 1991

To: Mary Lou Wright, Brad Tate

From: The Budget Staff

We understand you have some questions about the letter to the editor that appeared in the Jan. 25 issue of *The Budget*. We understand that other professional newspapers do not adhere to this policy; however, we believe that a high school setting merits a different set of standards than public newspapers that have a larger and more diverse circulation. *The Budget* serves 1,800 students who spend most of the day together in the same building and have substantial interaction. The students also answer to teachers and administrators. Within the context of this particular situation, it is more difficult for students to express opinions that may be unpopular.

After hearing of your concerns, as a staff we considered changing our policy to no anonymous letters. We consulted *The Lawrence Journal-World* and *The Kansan* and John Hudnall, executive director of the Kansas Scholastic Press Association at Kansas University. *The Kansan* and the *Journal-World* said that they do not accept unsigned letters, and John Hudnall said that there are other high school newspapers that have anonymous letter policies. We still feel strongly that the paper is an open forum for students to express their concerns, and we think that in a high school setting an anonymous letter policy is needed.

The student who wrote the January 25 letter wanted to say what many people felt, yet she also was concerned that what she said might affect her standing with certain teachers and students. We discuss each letter we receive, and if the writer requests the letter be printed without his name, we look for valid reasons for his remaining anonymous. We shall continue to screen each letter carefully, and although we may not practice the policy often, we want to have the option of publishing unsigned letters. If you have any questions or if you would like to talk to us about this policy, we would be more than willing to meet with you. We are open to comments on the policy and will present in more detail our reasons for printing the letter without the writer's name.

Following is the wording of the letter policy as it appears in the masthead of each Budget issue.

The Budget is an open forum and welcomes letters to the editor. All letters must be signed, but *The Budget* may withhold names upon request. Due to space limitations, all letters may not be printed.

EDUC
2/7/91
A9-5

Erin Wiard
Council Grove High School
The Trail Blazer Editorial Page Editor

To the Senate Education Committee Members:

My very first journalism lesson was learning objectivity. I had never taken a beginning journalism class, but this year I joined the staff of *The Trail Blazer*, the high school newspaper.

My first story was a controversial one. Having the freedom to write about controversial issues is just one of the reasons I support Senate Bill 62 as amended. The controversy was created when the Council Grove Coastal Mart posted a new sign. C-Mart had been having problems with students shoplifting, blocking parking areas and disrupting the peace. C-Mart had become the gathering place for teens in Council Grove. Its proximity to the school made it convenient for students during lunch, and weekends found many students meeting there.

The management chose to handle these problems by putting a sign on the door that read, "ONLY THREE STUDENTS IN MERCHANDISE AREA OF THE STORE". This apparent discrimination against students caused the high school students to boycott C-Mart by taking their business to the neighboring Stop-2-Shop.

The whole situation enraged me and everyone else. I felt it was an issue that needed coverage, so I went straight to my journalism adviser, spouting off my opinions. I wanted to write a destructive story attacking C-Mart's discrimination.

This is when I learned my lesson. A journalist must be objective. My adviser explained to me that there is a specific way to go about handling controversial issues. She encouraged me to step back and look at both sides. I approached the story differently. I decided to set my story up as a question-answer article.

That's where diplomacy came in. I had to report both sides to the reader which meant going for an interview with the management. When the story was finished, we decided as a staff, to include a picture of the sign that created so much concern. The newspaper was published with a picture ironically showing the students' perspective, while the story explained C-Mart's side.

This experience taught me that to be treated like a professional, a student must present all perspectives of an issue and be able to support his opinions.

The Coastal Mart sign that once outraged the school has now been taken down. I can't help feeling that my story may have made a difference. I think that I speak for all student journalists in Kansas when I urge you to vote in favor of the student publications act!

EDUC.

2/7/91

A10-1

Manager explains controversial policy

by Erin Wiard

EDITOR'S NOTE: Many high school students of CGHS were appalled to see a new policy posted on the front doors of Coastal Mart that states: "Three students only in the merchandise area." The sign was posted by Linda Eldridge, the manager. After several editorials appeared in the local newspaper, The Trail Blazer asked for an interview to present the manager's side of this controversial policy. The questions were directed to Linda Eldridge by Erin Wiard of the Trail Blazer staff.

TB: How long have problems at Coastal Mart been occurring?

C-MART: As long as I've been the manager. I've been the manager for four years.

TB: When was the decision made to post the sign, and who was involved in making the decision?

C-MART: Myself, Sonya, and

our supervisor. It was posted on August 23.

TB: Why was it posted?

C-MART: I felt that something had to be done to control the inventory shortages.

TB: Do you think there is any other solution instead of the sign?

C-MART: One solution could be to have the police stand guard at the busy times of business, but we felt that solution was too drastic.

TB: Do any other towns have that similar policy of three high school students?

C-MART: Yes. The Coastal Mart at Peabody. Peabody started their policy the same day, and they have had no complaints. The Coastal Mart at Emporia located on 6th Street does also.

TB: Why was the sign changed after it had previously been enforced?

C-MART: I changed the sign so that it was on a neater sheet of paper. When there is one person on duty it is hard to watch the merchandise area while waiting on customers, checking the gas, and keeping the store clean so people will want to come in.

TB: How has your business been affected by the posting of the sign?

C-MART: We've had complaints. We've also had people

thank us. Our inventory was still short this month, but next month should show improvement. We really haven't seen much of a change in sales. We've had new people come in that haven't been in before due to the crowded areas. It wasn't fair to them to feel intimidated by coming into Coastal Mart.

TB: Have you experienced any reactions from your employees due to the new policy?

C-MART: Yes. They feel like it is a lot easier for them to do their job because when they're on duty the inventory is their responsibility. If it does come up short, it could cost them their job. We did have one employee that didn't agree with the policy that we had posted and would not enforce the policy posted by the management. He is not longer employed at Coastal Mart.

TB: Would you object to our newspaper talking to some of your employees?

C-MART: No. I wouldn't object. It would be up to them if they wanted to.

Other comments from C-Mart: A convenience store is open to all of the public, and is here for everyone to enjoy.

The parking at C-Mart is also a problem that we've been trying to control for some time now. The

parking is a place for the customers, not a garage or gathering place, and when vehicles are left unattended, it gives the appearance that the store is full. Then customers take their business elsewhere.

We weren't trying to push anyone away by posting the sign. We enjoy people coming in here as much as they enjoy coming into C-Mart.

To explain the sign: we are limiting only three students in the

merchandise area so that the employee on duty can do their job. The students are welcome to get their food and drink and sit at the tables in a respectful manner.

We're not trying to blame everyone, but we're trying to control the ones that are abusing our trust. We don't want to shortchange one customer service to have to supervise another customer. This policy will be kept in effect until the management feels like the situation is under control.



EDUC
2/17/91
A10-2

ACLU on SB 62

I'm Gordon Risk representing the American Civil Liberties Union of Kansas

The Hazelwood 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.* We welcome the efforts of the legislature to undo the damage of Hazelwood.

Our quarrel is with lines 42-44 of the bill, which prohibit expression "that encourages conduct which constitutes a ground or grounds for the suspension or expulsion of students." Since students can be suspended or expelled for violating any school regulation, any article or editorial that objects to current school policy could be construed as encouraging willful misconduct and censored as a consequence. The fullest possible debate of school policy and school regulations should be encouraged, since it is through debate and a critical examination of issues important to them that students learn how to think. This bill could be used to suppress such debate. If this clause could be excised, the bill would have our support.

* Hazelwood School District v. Kuhlmeier 98 L Ed 2d 615

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Testimony on S.B. 62
before the
Senate Committee on Education

by

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

February 7, 1991

Mr. Chairman, Committee members, thank you for the opportunity to appear before you in regard to Senate Bill 62, the Student Freedom of Expression Act.

KASB has supported, for the past two years, the concept of encouraging responsible journalism among our students. We have disagreed with specific provisions of bills introduced. With appropriate amendments to protect the interests of students, teachers, school board members and school districts we can support S.B. 62.

Thank you.

EDUC
2/7/91
A 12

Unified School District No. 473

822 N. MARSHALL • CHAPMAN, KANSAS 67431 • P.O. BOX 249

ROBERT J. KING
Superintendent

TONY FRIEZE
Asst. Superintendent

EDUCATIONAL CENTER
(913) 922-6521

February 6, 1991

Dear Senate Education Committee Members:

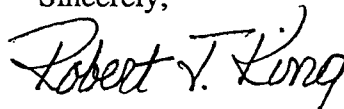
We are writing this letter to support the Student Freedom of Expression Act (S.B. 62), as amended.

As school administrators, we feel that student publications should not be suppressed solely because they involve political or controversial subject matter. It is our feeling that today's journalism student, under the guidance of a certificated adviser, is a responsible and prudent individual.

In our opinion, the key to quality journalism is the sponsor. We are very fortunate to have an adviser who exercises discretion in feature selection; she realizes that she and the school district are accountable for responsible student journalism.

In conclusion, we feel that prior censorship is not the best way to teach journalistic responsibility. The best teaching is done by an adviser, held accountable by the administration.

Sincerely,



Robert J. King
Superintendent



Richard Hall
High School Principal

RJK/RH/mld

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