

Approved: _____

Date

MINUTES OF THE SENATE COMMITTEE ON EDUCATION

The meeting was called to order by Chairperson Barbara Lawrence at 9:00 a.m. on March 9, 1998 in Room 123-S of the Capitol.

All members were present except: Senator Bleeker
Senator Downey
Senator Hensley
Senator Jones
Senator Oleen

Committee staff present: Ben Barrett, Legislative Research Department
Carolyn Rampey, Legislative Research Department
Avis Swartzman, Revisor of Statutes
Jackie Breymeyer, Committee Secretary

Conferees appearing before the committee: Larry Vogt, Ellinwood, KS
Mark Tallman, Kansas Association of School Boards

Others attending: See attached list

Chairperson Lawrence called the meeting to order and thanked Mr. Vogt for appearing before the Committee after braving the weather from Ellinwood, Kansas.

SB 669--student publications, relating to rights and responsibilities thereof

Mr. Vogt appeared as a proponent of the bill, stating the provisions that it contains are beneficial for students of Kansas schools. The bill is necessary to protect students and schools from the abuse possible under current student publication law. (Attachment 1)

Mr. Vogt stated that young students lack the knowledge, skills, maturity and judgment of adults. As a result of this, they are not qualified to be the final authority in making decisions that affect the school and individuals in it. The guidance of students sometimes involves setting limits. Schools have standards regulating student behavior, what they say to each other and to their teachers, their academic requirements and their activities. Without these standards little learning would take place. Journalism students, just like any other students, need to have standards and guidelines to give them direction in their learning. Under the current student publication law advisers and administrators are not allowed to give that necessary guidance.

Mr. Vogt continued by stating that band members would not be allowed to choose a song that degrades or offends people despite the objections of their director. Debaters are not allowed to say anything they want to say without regard to its effects on other people. Football players would not be allowed to intentionally injure or harm a teammate or opponent. Journalism students should not be allowed to publish material that is hurtful or offensive to people in the school and the community.

School administrators are hired by school boards to oversee the entire operations of a school in which they are employed. This means that they are responsible for everything that goes on in the school and for the well being of all students. They must have authority over the conduct of all parts of the school. It is not right to hold a person accountable for that which they cannot control. If a student misbehaves, the administrator is accountable to see that corrective action is taken. No individual in the school should be allowed to take actions that cause injury or offense to another person or the school as a whole. Derogatory statements made in journalism publications can have a strong negative impact on them and undermine the positive self concept that schools seek to develop in them. Under the present student publications law injurious actions of these types cannot be eliminated. The present student publications law must be changed to protect our students and our schools.

Mr. Vogt went on to say that freedom of speech is an important part of the United States Constitution, but students in school have limits on what they can say. Statements that hurt or offend others are not allowed in the classroom. Just as limits are placed on what students say in school there must be guidelines issued as to what they write in student publications. These guidelines are necessary to protect students and the school from damaging publications.

Included in Mr. Vogt's testimony was an excerpt from an issue of a 1996 community newspaper that made negative statements about other students and teachers.

Mr. Vogt was asked if he was the advisor of the student publication at his school.

He replied that he was not, his area is business.

It was commented that most school districts are already doing this; how will the bill help Mr. Vogt.

Mr. Vogt replied that the teacher of the Journalism class has repeatedly stated that it would be illegal to prohibit the students from printing what they want to based upon the current student publications law. This is why this law is needed, to protect students and give them guidance. He agrees that most districts are doing this, but not all.

One of the Committee referred to the Hazelwood case that addresses this problem and sets parameters. Staff was asked if it would provide copies of this case for the Committee to have further input regarding the bill.

The Chairperson expressed her comments on teachers throughout the state interpreting the student publications laws differently; stating that clearly, in this instance, the examples Mr. Vogt brought were yellow journalism.

Mr. Vogt again stated that the teacher lets these types of things go through because he believes in the freedom of the press and everything available to the adult public press should be available to students; it would be illegal for him to censor the students under the current student publications law.

After a few further comments from Mr. Vogt, he ended by stating that he feels the bill is important to address the actions of those few who do not practice standards of good journalism.

The comment was made that allowing students that kind of freedom without any responsibility is not teaching them constructive journalism.

Mr. Vogt was asked if the school board has been asked to address the issue and he replied that to his knowledge it has not.

One of the Committee stated that he had been a member of a school board that addressed many issues and they were always very concerned about going against the law; sometimes a law appears somewhat vague. He would not oppose the bill if the situation needed to be addressed.

The Chairperson thanked Mr. Vogt for driving the distance in the bad weather to appear on a bill that he felt was needed to address this particular situation.

Mark Tallman, KASB, appeared next on the bill. ([Attachment 2](#)) Mr. Tallman stated that he had been a former editor of his high school, as well as college paper. He spoke of the Hazelwood decision that had been argued in the late '80s, the decision being that the high school principal's deletion from school-sponsored student newspaper of pages containing articles he reasonably considered objectionable was held not to violate students' First Amendment rights.

Mr. Tallman stated that later the state adopted legislation that responded to and was to some extent, a reaction to the Hazelwood decision. It was clarifying more strongly a certain set of standards, although the law still clearly indicated that material could not be censored solely on the basis of content. The bill continues to state that material cannot be suppressed solely because it involves a political or controversial subject matter. School boards and their employees can establish and enforce "high standards of English and journalism applicable to a student publication."

One of the Committee stated that the legislation that had been passed has been in law for 6 years; it passed the legislature in 1992.

Mr. Tallman was asked if he knew of any district that had been threatened with a lawsuit. He responded that to his knowledge he did not know of any such situation although there had been a situation at Shawnee Heights High School that involved advertising in the student newspaper.

Several comments were made about the student publication act. It was commented that the bottom line was that the school district was the owner/publisher of the paper although students do not lose their right to freedom of speech at the school house door.

Comments were made about strict or liberal interpretation of these types of situations; it puts a burden on administration in how far it wants to go with a situation.

The Chairperson stated the hearing on **SB 669** would continue on Tuesday.

The meeting was adjourned. The next meeting is Tuesday, March 10.

SENATE BILL No. 669

Ladies and Gentlemen

I support Senate Bill No. 669. I believe that the provisions that it contains are beneficial for the students of Kansas schools. This bill is necessary to protect our students and our schools from the abuse possible under the current student publication law.

School is a unique situation--far different from the world outside of school. Students are young and they lack the knowledge, skills, maturity and judgment of adults. They are learners. As a result they are not qualified to be the final authority in making decisions that affect the school and individuals in it. The purpose of school is to provide a place where teachers and administrators can help them acquire the abilities and traits necessary to make decisions and to be productive citizens. One of the things involved in helping students to learn is to give them guidance. This guidance sometimes involves setting limits. Schools have standards regulating students behavior, what they say to each other and to their teachers, their academic requirements, and their activities. Without these standards little learning would take place. To allow students to be the final authority in setting these standards would jeopardize the entire learning process. Journalism students are just like any other students; they need to have standards and guidelines to give them direction in their learning. Under the current student publication law advisers and administrators are not allowed to give that necessary guidance.

Journalism publications are often made available to the public and to other schools. These publications along with the football team, debate squad, band and other groups represent the school and are a reflection on the school. All of these other groups have guidelines regulating their actions. Band members would not be allowed to choose a song that degrades or offends people and play it despite the objections of their director. Football team members would not be allowed to intentionally injure a teammate or opponent. Debaters are not allowed to say anything they want to say without regard to its effects on other people. Similarly journalism students should not be allowed to publish material that is hurtful or offensive to people in the school and the community. The current student publications law does not allow advisers and administrators to give journalism students this necessary guidance.

Administrators are hired by school boards and given the task of overseeing the entire operations of the school in which they are working. They are responsible for the overall process of learning and the efficiency of the school in achieving this goal. This means that administrators are responsible for everything that goes on in the school and for the well being of all students. Since they are responsible for what goes on in the school they must have authority over the conduct of all parts of the school. It is not right to hold a person accountable for that which they cannot control. When a new academic program is adopted during a school administration the person in charge will be given credit or criticized for the subsequent success or lack of it that the program experiences. If a

*Senate Education
Attachment 1
3-9-98*

student misbehaves the administrator is accountable to see that corrective action is taken. The best interests of all individual students and the school as a whole must be the top priority. No individual school program or individual in the school should be allowed to take actions that cause injury or offense to another person or the school as a whole. Students are young, impressionable and fragile. Derogatory statements made in journalism publications can have a strong negative impact on them and undermine the positive self concept that schools seek to develop in them. Under the present student publications law injurious actions of these types cannot be eliminated. We must change this law to protect our students and our schools.

Freedom of speech is an important part of the United States Constitution but students in school have limits on what they can say. Statements that hurt or offend other people are not allowed in the classroom. Similarly the freedom of the press that we enjoy in this country must be limited in our schools. Just as there are limits placed on what students say in school there must be guidelines issued as to what they write in student publications. The fact that students have limits placed on their speech does not undermine the importance or validity of our right to free speech outside the school. Neither will placing guidelines on student publications be a threat to our right of free speech. In fact, these guidelines are necessary to protect students and the school from damaging publications.

All of these statements are not just hypothetical "what if" situations. Included with this testimony are excerpts from an issue of a 1996 high school newspaper which was distributed in the school and sent out to the community as an insert in the local weekly newspaper. In this paper students made negative statements about other students and teachers. One student was made fun of because of a physical characteristic that she was born with. Another was named and called a "loser." Illegal alcohol consumption and abuse were glamorized. Some teachers were named and derogatory remarks were made about them. The adviser to this publication stated that the current student publication law made it impossible for him to prevent this type of material from being published.

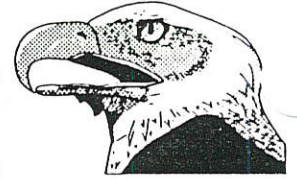
Ladies and gentlemen, it is extremely important that this revised student publication bill be adopted. I urge you to support it.

Larry Vogt
Ellinwood, Kansas

EHS Today

and the Ellinwood Leader

Created by
Ellinwood
High
School
Journalism
students.



Phillip Clair Jackson

I, Phillip Clair Jackson, being a graduating senior of sound mind and body hereby leave all those people that chose not to get to know me the ability to go to hell. To my friends the cantaloupe brothers I leave a sticker collection. To Megan Panning I leave a can opener for those lonely nights alone, (if you know what I mean.) I leave Dean Lavielle the ability to actually put his glasses on his face. To Mr. Loewen I leave a muzzle. I leave to that one person (You know who you are) the ability to flush. I will Brad Childs my room so that he may finish his senior year at Ellinwood. To all the hicks at Ellinwood and especially Craig Shinliver the ability to yell out Yee Haw whenever they feel the need. To Mr. Howard I leave the ability to turn on all the lights when looking in the mirror. I will Derek Joiner a years supply of slimfast. To Josh Clark I leave nothing because you're an annoying loser. To Mr. Mohn I leave a life size Indonesian woman blow up doll. To Austin A. I leave a

washcloth to let your turtles dry out. To Josh Wesner I leave a toaster that can make eight pieces at once. To my sister I leave the ability to not care what others think and to just do what feels right. To Kellee Kirkpatrick I leave a clue. To Brad Fullbright I leave the ability to just say no, even if it may seem cool! To Jennifer Rogers I leave the ability to deal with all of Robinson's crap for the next three years. To the entire junior class I will the use of Loewen's muzzle from time to time, for that one girl (Casse Watkins) when ever she gets too annoying. To Brent McKay I will the knowledge to realize that I was always taller than you and still am. To Amber Miller I leave a megaphone and a pair of fluorescent orange pants so not to be lost in the crowd, (don't worry I will supply the pants.) To all future wanna be golfers I leave the ability to duck. To Cary Schartz I leave the ability to use a comb on that mop you call hair. To Fez I leave the ability to respect others art work for what it is, since you don't do any of your own.

Jeramy Robl

I, Jeramy Robl, being a graduating senior of sound mind and body hereby leave to Kory Schartz my ability to roam the halls and the hood of my car. To Doug Freeman

I will a personalized towel and shower cap for the girls locker room. To Don Anderson I will the gum wrapper collection, the five year in the family #34 jersey, my free-throw shot and the Taco Bell dream. To Casse Watkins I will a car adaptor, the railing on a bridge and a country road map. To Kristin Liebl the ability to tell the difference between Mountain Dew and the other stuff. To the Mitchums I will my memory. To Mary Barne I will the ability to shut-up. To Phil Jackson I will my right tooth. To Mr. Stremel I will back all his missing pencils. To Tom Stickney I leave my StuCo presidency and my front row seat in Converse's class. To Elissa Eggers I will my electric razor and facial hair kit. To Brad Fullbright I will

the ability to catch a football with your hands not your head and my snow sledding skills. To Cameron Coleman I will the ability to run dead on into the scoreboard post. To Shelly Alefs I will the ability to not flirt with every member of the opposite sex and the ability to not lie constantly. To Jennifer Rogers I will a hot wheels version of my car. To Lisa Robl, cousin from a distant family, my ability to say "uh, apple" properly. To Eli I leave my chicionary. To Ben Reser I will the use of my pressure washer and my Dukes of Hazzard playing cards. To Brayden Miller I will my b-ball scholarship at McPherson College. To Kyle French I will a human-sized doll that deflates at the mouth. To Frank Rome I will my all-purpose hall pass. To Habiger I leave nine inches and his own brown eye. To ReHab I will the ability to dunk on his brother next year. To the Mitchums I will my memory. To Lisa and Elissa I will some cool whip. To Levi Perkins I will a pair of wool shears. To Ryan Alefs I will

1-3

Justin Joiner

I, Justin Joiner, being a graduating senior of sound mind and body hereby leave Michael Widener some of my fat and muscle. I also leave him the ability to be one of the very few people in the world to never make me mad. I leave Michael Stephany some of my fat and muscle also. I leave him the ability to have associated with me more in one day of catholic school than four years of high school. I wish him good luck and happiness in whatever he decides to do along with the ability not to become a stranger. I leave Jessica Smith the ability to get a tan. I leave Megan Sessler some of my fat and muscle too. I leave her the ability to get hammered by the same amount of beer Trenton Green sips at one time. I leave Jayme Semon the ability to bother me non-stop until I gave her my picture for the senior portrait. I leave Jason Scheufler the ability to make a junior so the team wouldn't have to run more. I leave Jennifer Scheck the ability to get married. I leave Alicia Schartz a life. I leave Aaron Schartz the ability to make himself known. I leave Mike Ruppe the ability to become my cousin out of the blue. I leave Frank Rome the ability to drive and meet Mr. Coors. I leave Jeramy Robl the privilege of going to KSU and putting up with me for four more years added to our already thirteen years of friendship. I leave him with a world full of memories both good and bad. I wish him good luck and happiness forever. I leave Eva Redington the ability to junk that Mustang and get a real car, a Camaro. I leave one of my best friends of thirteen years, Boyd Potts,

some ambition in this life. I thank him for many good times and pray that he gets on the right track. I leave Sarah Pivonka with the ability to put up with me for so long. I also leave her the ability as a caddy to hand me my clubs instead of standing 10 yards behind looking at my butt. I leave Tiff Moos the ability to still love me even though I give her so much crap. I leave Eric Miles the ability to calm down. I leave him the ability to show up for a workout. I leave him the ability to be the biggest, ugliest, nicest, strangest, most lovable guy in class. I leave Adrien McFrederick the ability to go a week in school without leaving to go to court. I also leave him much needed woodworking skills. I leave Phil Jackson the ability to be free minded and some new clothes. I leave Victoria Gunn the ability to get a new car. I leave Trenton Green the ability to buy the ice. I also leave him with a lot of crazy, memorable weekends. I leave him the ability not to worry so much and thank him for still being such a good friend even when I acted like a jerk. I wish him lots of luck and happiness in his future. I leave Brandon Green the ability to financially support himself and his poor twin. I leave Aaron Dillon the ability to quit talking so much when we ride around. I leave Randal Coyle the ability to buy the lunch he promised me, two years ago. I leave Candra Coleman the ability to join the "Hee Haw Club." I also leave her the ability to quit hitting and griping at me. I leave Shad Chain a Camaro, which is the greatest car in the whole

wide world. I leave Bob Baker my work ethic and money making ideas. I leave him the ability to set the world record of fights and break ups with Lisa Macy. I leave him the ability to be one of my worst enemies and one of my best friends in one years time. I wish him luck in his future and remind him that he should always remember "Heart" and "Elite." I leave Don Anderson good posture. I leave Brad Childs the ability to be normal. I will Matt Dillon and Jason Schlochtermeyer a farm and the opportunity to meet Mr. Coors. I leave Jason Habiger real music. I leave Crystal Jasper the ability to hook up with Jason Habiger. They would make a great couple. I leave Annetta Lamb the ability to be fun to talk to in third hour. I leave Lisa Macy the ability to be the best party woman in the world. I leave Josh McMullen a wig because he is going bald. I leave Shay Muehleisen the ability to shut up. I leave Eli Saffa a hair cut. I leave Pizza Boy my good looks. I leave him with some really good times and some real crappy ones too. I will him a hair curler. Good luck buddy because your going to need it next year to have fun. I leave Tom Stickney the ability to keep drinking his milk so some day he can be as big as me. I will Ginger Trummel Brendon Werth's phone number. I leave Casse Watkins, the strangest and weirdest girl that has been a part of my life the ability to grow up and quit lying. I leave her the ability to quit being materialistic beyond materialistic. I leave her

EHS Today

the ability to have more boyfriends in a year than I've had girlfriends my whole life. I will her the ability to get kicked in the rear by someone so she gets it together. I will Cameron Coleman, Brad Fullbright, Derek Joiner, Brayden Miller and Ben Reser the ability to throw many parties in the future especially when I come home from college. I will David Tudor a beer bong. I wish him good luck because he is going to need it in everything. I leave all of the freshmen a big "Your Welcome" for not picking on you. I leave my little big brother the ability to make it through EHS sports alive. I will him the ability to do whatever he wants to do to make him better and happy. I leave Monte Doll the ability to meet me in a dark alley some night. I thank all of the teachers and staff who have supported me and made high school better for me. I leave the staff that wishes wrong for me to rot where I'm not going to ever go.

F-1

4-1

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Melvane M.

Ruppe II

I, Melvane M. Ruppe II, being a graduating senior of sound mind and body hereby leave Adrien McFredrick the ability to make a wood project and not get his fingers chopped off. To Crystal Smith I leave my unfashionable clothes that you need to brighten up your wardrobe with. To Chris Robl I leave my car and promise you that it won't break down like yours always does. To Ryan Alefs I leave the ability to kick my butt any time he wants. To Trenton Green I leave the ability to get drunk on Sunday and still be able to stand on Monday. To Cory Phelps I leave the ability to become a leader not a follower. To Anna Boor I leave the ability to stay with a boyfriend longer than 1 week. To Dani Clark I leave the ability to find a boyfriend without getting her heart broken. To Brandi Brandt I leave the ability to get drunk and not have personal talks with other people. To Shelly Alefs I leave the ability to put up with me for a long time to come.

Adrien Keith

Michael McFrederick

I, Adrien Keith Michael McFrederick, being a graduating senior of sound and body hereby leave Dani Clark the ability to stay awake at people's parties, and not get so drunk, I forgot who I am. And the ability to drive her own car home after long trips. To Brandi Brandt I leave the ability to work on

5-1

5-1

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

1420 S.W. Arrowhead Rd, Topeka, Kansas 66604
913-273-3600

TO: Senate Education Committee
FROM: Mark Tallman, Director of Governmental Relations
DATE: March 9, 1998

RE: **Testimony on S.B. 669 - Student Publications**

Madam Chairman, Members of the Committee:

We appreciate the opportunity to appear today as proponents of S.B. 669. This bill would amend a statute that was designed to strike a balance between the rights of student journalists and the responsibilities of school boards and employees for directing the education of those students and overseeing student publications.

This bill maintains that balance. It continues to state that material shall not be suppressed solely because it involved a political or controversial subject matter. But it makes clear that schools boards and their employees can establish and enforce "high standards of English and journalism applicable to a student publication." School districts are expected to encourage high standards of student learning and performance throughout the curriculum. Student publications should not be exempt.

S.B. 669 does not abridge appropriate the rights of student journalists. In fact, it makes clear that student journalists should be educated under high standards of English and journalism.

Thank you for your consideration.

*Senate Education
Attachment 2
3-9-98*