Approved: 4/11
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 10, 1998 in Room 123-S of the Capitol.

All members were present except: Senator Downey
Senator Hensley

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: Mike Hester, Principal, Great Bend
Jerald L. Henn, Principal, Paola
Alexis Vanesse, Great Bend High School
Megan Baumgartner, Phillipsburg High School
Scott Roberts, Stilwell, KS
Ragan Hacker, Wichita East High School
Lauren Brandenberg, Shawnee Mission High School
Jacob Montgomery, Lawrence High School ACLU intern

Others attending: See attached list

Chairperson Lawrence called the meeting to order and stated the agenda was the continuation of:

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

She called on Mike Hester, Principal, Great Bend High School, a proponent of the bill, to lead off the testimony.

Mr. Hester stated that there are approximately 1100 students in the high school. The school has been accused of censoring the journalism students' first amendment rights. He gave several situations involving students and the school paper where other students and a business in town had suffered. He believes there have been cases of maliciousness and libel in the school newspaper. He stated that principals, students, editors, teachers, superintendents and boards all have checks, but in the situation they are facing, if they make a decision, anyone can cry about first amendment censorship because there are no clear definitions on these things.

Mr. Hester listed the areas of investigation, follow up, verification of quotes, meeting deadlines and editing as good journalism practices and stated that vague terminology could be cleared up through better definitions in the law. He also stated that three years ago there were only three students in the journalism class; it could have been cut for financial reasons, but the school wants to see students, write, express and learn through the journalism experience.

Mr. Hester was asked if the Board had ever been sued. He replied it had not, but they had been threatened with suit in the newspapers. He also responded that he is not aware of any other schools that are having problems of this type. He stated there are no general guidelines as to staff direction or board policy on what can or cannot be printed. There is a student general editorial policy. If a student has a disagreement over something that has been cut, an appeal may be made to the Principal within three days; there is another three-day appeal time to the Superintendent; and ten days to the Board.

One of the Committee read from an editorial in the Wichita paper that stated the bill was a bad one and that it was not the Legislature's duty to fix a situation that adults in Great Bend should have fixed themselves. The comment was made that maybe repeal of the Kansas law would be best; leave it to the first amendment of the Constitution to control what schools do.

Mr. Hester replied that it could be done that way; they will still have some problems with the language with some of the community people and accusations on whether it is censorship or not.

The Chairperson thanked Mr. Henn for his testimony on called on Jerald L. Henn, Principal, Paola High School to present his testimony in support of **SB 669.** Mr. Henn stated that journalism teachers are placed in the school to teach high standards to the youth of that school. If they do not have those standards, or teach those standards the Board cannot terminate. He is not a in favor of termination, and in a small school it is impossible to transfer a teacher. His concern is that students are placed in a situation that is very difficult for them. The Board, district or school does not want law suits. It is quite interesting that this responsibility is placed on anywhere from a 14 to 17 year old student. Journalism can be done responsibly; it is happening in his school in Paola and elsewhere.

Mr. Henn ended his testimony by urging the Committee to support a revision to the current law that would support student, advisor and administrative responsibility. (Attachment 1)

Mr. Henn was asked if this supervision couldn't be done under the present law; it is done in drama, music, art and other areas. He replied that he thinks the law binds them to an extent. In the case of a teacher who has repeatedly broken trust with the school district their hands are tied that they cannot reassign their teachers. That teacher is protected.

Senator Oleen distributed information from the 1992 act (Attachment 2) and stated she is a former student journalist and advisor for many years regarding student publications. Members of the 1992 House and Senate supported this legislation. There are a number of individuals from across the state who do want to speak.

Alexis Vanasse, Great Bend High School, appeared as the first opponent of the bill. (Attachment 3)She is on the staff of the student publication, *Panther Tales.* She assured the Committee that she is not a vengeful, vindictive or libelous reporter. In the two years she has been on staff she has diligently fought for her first amendment rights that entitle her to freedom of the press; that freedom cannot be taken away from her because she is a student.

Ms. Vanasse stated that because of articles that were printed in the school paper, the editorial page was eliminated on August 8, 1997. The students worked long and hard to get their opinions reinstated and succeeded, but there were new regulations and guidelines by the principal and journalism advisor. Three subsequent stories were turned down as being, trite, trivial, too controversial or not newsworthy.

Ms. Vanasse stated that the current Kansas Student Publications Act has proven to be fair and consistent with the rights of students, teachers and administrators. It holds student journalists accountable for their written words and forces them to take responsibility for their comments. Administrators and teachers are not the ones who are held accountable for libel in school papers. Allowing students the freedom to express themselves while still obligating them to face the consequences of any mistakes they make is fair and just; allowing administrators and advisors greater discretion to censor is not only unconstitutional, but immoral.

The Chairperson complimented Ms. Vanasse on her presentation. She related to Ms. Vanasse that the Committee had been given an example yesterday of a student publication that would meet no standards that the Chairperson could think of; it was harmful, hurtful and disgusting. It would not in any way live up to the standards of which Ms. Vanasse had just spoken. The principal and others could not do anything about the publishing of those repulsive articles. She asked how Ms. Vanasse would suggest that kind of journalism be disallowed.

Ms. Vanasse responded that the principal and others are there to watch over the paper and guide the students. Sometimes it is hard, but they are there to guide students in the learning process. Students need to learn everything in journalism and this includes the consequences of their actions.

Ms. Vanasse was asked what did she think the kids who were trashed learned from this. She responded that it is very hard; she hopes they were made stronger. It is very hard to be insulted in a paper - she has been. Many people have gone through it.

Ms. Vanasse was asked if she thinks commercial newspapers run every article that their reporters write. She replied that they absolutely do not; neither does the school paper.

Ms. Vanasse was asked what she thought was the reason for this; could it be the policy of the newspaper. She replied that it is different when articles are allowed and then taken out.

After several further questions and comments, the Chairperson thanked Ms. Vanasse and called on the next conferee, Megan Baumgartner, Phillipsburg High School, to give her testimony. Ms. Baumgartner is co-editor of the school paper. (Attachment 4) She stated that Kansas led the fight for student press rights. In 1992, Kansas became the fifth state to pass SB 62, granting college and high school students the privilege and right to work without prior review by agents of local government, in this case, school administrators. Over the past two years, some of the stories the paper has covered concern sexual abstinence, smoking, local vandalism, abortion debates, gay rights controversies, governmental power abuse and religious issues.

Ms. Baumgartner stated that student publications are held to the same standards and laws as professional publications. Proposed amendments won't end irresponsible journalism because administrators aren't well versed in what high journalistic standards include. Typical Kansas student journalists are immersed in the decision-making process of responsible reporting. They attend regional, state, and national workshops and seminars. At

making process of responsible reporting. They attend regional, state, and national workshops and seminars. At the beginning of each year, the certified journalism educator reviews and stresses the importance of the goals that have been set by the staff. If limitations are placed on student publications, administrators might not be aware of policies or actions that concern students.

Ms. Baumgartner ended her testimony by asking if administrators can make educated decisions regarding journalism if they are not educated in journalism principles and issues.

Scott Roberts, teacher and yearbook advisor at Blue Valley High School, Stilwell, Kansas, appeared in opposition to the bill. He stated that corporate America consistently demands that public education needs to better prepare its students to enter the modern work place. Student editors must work with publications advisers to develop strong editorial policies and high publication standards. The first amendment right to a free press is a hallmark of our democracy. (Attachment 5)

Mr. Roberts stated that he understood as a school district employee the discomfort criticism can cause. He has been the subject of criticism in the school newspaper, but it provides him great comfort to know that student journalists have the right to that criticism. He expressed his concern over the wording, "high standards of English and journalism" and what those words might entail to some administrators and school officials. From the perspective of a former scholastic journalist and a present journalism adviser he asks that journalists and advisers be allowed to help the students to determine the high standards of journalism.

Mr. Roberts was asked how the school would get rid of a teacher that allowed scurrilous stories to appear in a high school newspaper; those advisors that choose to allow students to have no parameters at all. What does a school principal do.

He responded that if the stories were in bad taste, but not obscene, they would probably be allowed under first amendment rights. What is distasteful to one might not be distasteful to another. It is a very difficult issue, but he thinks giving the broad sweep of control back to administrators is still a dangerous precedent.

Ragan Hacker, Editor-Chief, Wichita High School East Messenger newspaper, appeared next in opposition to the bill. She finds what appears to be the disapproval of the adult community toward high school journalism disheartening and rather discouraging. (Attachment 6) High school journalism in the 1990s is not the journalism of thirty years ago. Students are trained in the areas of ethics and law before they begin work on the newspaper and they become self-motivated to make decisions leading to self-censorship of their own newspaper. When she holds staff meetings to plan the next issue of the paper, there are times when the staff does agree not to run a certain story because of its content. Students are aware that there are guidelines concerning what is fit to print in their own newspaper.

Lauren Brandenburg, Shawnee Mission Northwest High School, an opponent of the bill, submitted her testimony (Attachment 7) and stated that she is opposed to the bill for the following reasons: the bill denies freedoms guaranteed in the Constitution; it takes away control but leaves liability; and it greatly decreases the quality of education. She used the example of the President of the United States and what would happen if he controlled the professional press and asked the question, "what reasons would remain to read the newspaper?"

After reading through her testimony, Ms. Brandenburg ended by stating that for the future careers of high school journalists who are future citizens, it is important to have real world experience.

Jacob Montgomery was the final conferee on the bill. He appeared as an opponent. He is a Lawrence High School student and student intern for ACLU. He commented on the civil liberties and constitutional aspects of the proposed change to **SB 669.** (Attachment 8) His testimony stated that an uncensored press creates a forum of opportunities for students to express their views. Uncensored publications give student readers the chance to practice and develop their skills as media consumers. The education needs of students will not be served by eliminating a free press in scholastic environments. In America there should be no distinction between the roles of student and mainstream press. Student journalists, under capable instructors, continue to adhere to the highest standards of journalism. They may not publish obscene or libelous articles. They are not allowed to create a substantial physical disruption of the school or invade the privacy of others. He ended his testimony by asking the Committee to stand firm by retaining the current law. Kansas must believe in what they may someday be asked to die for.

An attachment from the KASB School Law Handbook was submitted by Mark Tallman, Kansas Association of School Boards, entitled "STUDENTS FIRST AMENDMENT STUDENT PUBLICATIONS" (Attachment 9)

Ben Barrett, Legislative Research Department, distributed copies of the Hazelwood decision (Attachment 10).

Chairperson Lawrence stated the meeting would be continued Friday, March 13, and adjourned the meeting.

The next meeting will be March 11, 1998.

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 10, 1998

NAME	REPRESENTING
Travis Lenkner	Kansas State University
Linda L Pentney	" " JEA
Ron Johnson	Kansas State University
Scott Roberts	Blue Valley High School BVUSD229
Pat Lehman	USD 233
Jessie Franke	WRHS student (USD 437)
Jennifer McKenzie	Washburn Rural High School Student USD 437
Mary Lou Bauer	Washburn Rural HS and KSPA
John Hadsall	KSPA Executive Director
Susan Massy	Shawnee Mission NW & KSPA
Brilla Scott	USA
Roger Toelke	Anthony Hurley Office
BRAD SAGER	Shawnee Mission Northwest
Lauren Brandenburg	Shawnee Mission Northwest HS.
Ragan Layne Hacker	Wichita High School East & KSPA
Bryan Doughty	Wichita High School East
Jana Chester	Phillipsburg High School + KSPA Student Board
Megan Baumgartner	Phillipsburg High School
Megan John	Phillipsburg High School (Journalist/Editor)

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 10, 1998

NAME	REPRESENTING
Ken Bahr	USD #489
Lee Kuhn	KNEA
Brian C Burnett	USD 501 #
Jerry Henn	USD 368
MIKE HESTER	USD 428
Larry Voyt	USD #355
Jeremy White	Sen. Brownback's office
JIM Sullinger	KC STAR
Phyllis Voyt	USD 355
Peggy Hester	U.S.D. 428
Jackie John	Phillipsburg - Parent
Roger John	Phillipsburg. Parent
Alexis Vanasse	Great Bend High School
Marsha Gillenwater	Great Bend high parent
Mishel Beer	cit.
Mike Montgomery	Lawrence High parent
Jacob Montgomery	ACLU
Sue Chase	KNEA
Stacy Farmer	KASB

SENATE EDUCATION COMMITTEE GUEST LIST

DATE: 3-10-95

NAME	REPRESENTING
Denise Apt	USA
Mark Tallman	KASB

Dear Ladies and Gentlemen,

I am here to discuss with you Senate Bill No. 669. This Bill would help to protect students, faculty, parents, community members as well as the integrity of the school.

As you know, the school business is all about learning, and we, as faculty members of schools must do everything we can to help students become the best they can. We realize that the majority of our students are not mature enough to handle the everyday situations we call life. That is a part of education. Giving our 14 to 17 year old students the opportunity to edit the school newspaper seems to be rather lenient. Holding them accountable for possible libelous situations is and could be rather harsh. They are only minors. We do not allow them to vote, smoke, drink, etc., holding them accountable for information printed in school newspaper seems to be rather adult in behavior.

As an administrator, I have seen the effects poor journalism can have on a community. While an administrator in Ellinwood, I have a specific situation which the advisor, in my interpretation was not practicing "high standards" of educating our young students. This advisor was brought into my office and we discussed the situation. The way I have interpreted the law is for the advisor to be responsible for what is taught in the classroom. Included in this document are portions of the newspaper article that were, in my estimation, inappropriate for a school newspaper as well as any newspaper.

I believe that freedom of speech is what our country was built on. We must maintain responsible free speech. Allowing a 14 to 17 year old student to write, edit and print an article without supervision is not being responsible. I would like to see the law change from the present form to one that would include the responsible parties getting involved. Hold advisors, administrators and students responsible for what is printed within the school newspapers. We are the adults in this situation, we are to teach our youth the proper way of learning, not encourage the type of journalism that might be negative towards schools, community, and themselves.

Ladies and gentlemen, I would urge you to support a revision to the current law that would support student, advisor, and administrative responsibility.

Jerald L. Henn, Principal
Paola High School

Senate Education
Attachment 1
3-10-98

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 Barnett 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

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

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 Schluchtermeier 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 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.

EHS Today

Senator Aleen

01/25/91 Senate—Referred to Local Government–SJ 60
01/28/91 Senate—CR: Be passed & placed on consent calendar by Local Government–SJ 63
01/31/91 Senate—FA: Passed; Yeas 40 Nays 0--SJ 79
02/01/91 House—Received and introduced--HJ 110
02/04/91 House—Referred to Taxation–HJ 115
05/26/92 Senate—Died in House committee

S 0062 Bill by Oleen, Anderson, Burke, Ehrlich, Kerr, Martin, Moran, Parrish, Walker, Winter, Yost
Student publication act. Effective date: 7/1/92.
01/25/91 Senate—Introduced–SJ 59
01/28/91 Senate—Referred to Education–SJ 63
03/05/91 Senate—CR: Be passed as am. by Education--SJ 233
03/13/91 Senate—EFA, amt. & debate: CR adptd; further am.; passed as am.; Yeas 37 Nays 2–SJ 333
03/13/91 House—Received and introduced–HJ 409
03/14/91 House—Referred to Education–HJ 412
01/29/92 House—CR: Be passed by Education–HJ 1249
02/06/92 House—COW: Be passed--HJ 1287
02/07/92 House—FA: Passed; Yeas 79 Nays 42–HJ 1302
02/11/92 Senate—Enrolled and presented to gov.–SJ 1215
02/21/92 —Approved by gov.--SJ 1284

S 0064 Bill by Public Health & Welfare
Providing physical therapy treatment without prior consultation. Effective date: 07/01/91.
01/28/91 Senate—Introduced–SJ 62
01/29/91 Senate—Referred to Public Health & Welfare–SJ 66
05/26/92 Senate—Died in committee

S 0066 Bill by F.I. & Insurance
Blue Cross-Blue Shield and other health and accident insurance, conversion rights. Effective date: 07/01/92.
01/28/91 Senate—Introduced–SJ 63
01/29/91 Senate—Referred to F.I. & Insurance–SJ 66
02/06/91 Senate—CR: Be passed by F.I. & Insurance–SJ 95
02/13/91 Senate—COW: Be passed; CR adpt; FA: Passed; Yeas 40 Nays 0–SJ 132
02/14/91 House—Received and introduced–HJ 175
02/15/91 House—Referred to Insurance–HJ 179
02/17/92 House—CR: Be passed as am. by Insurance–HJ 1364
04/01/92 House—COW: CR be adptd; be passed as am.–HJ 1952
04/02/92 House—FA: Passed as am.; Yeas 124 Nays 0–HJ 1968
04/02/92 Senate—Nonconcurred; CC requested; apptd Bond, Salisbury and Strick–SJ 1589
04/03/92 House—Acceded; apptd Tumcuist, Weiland, Neufeld--HJ 2069
04/10/92 House—Adptd CCR; Yeas 121 Nays 1–HJ 2302
04/11/92 Senate—Adptd CCR on senate bill; Yeas 39 Nays 1–SJ 1905
04/16/92 Senate—Enrolled and presented to gov.–SJ 2005
04/24/92 —Approved by gov.–SJ 2000

S 0075 Bill by Bogina
Regulation of unsolicited telephone calls. Effective date: 7/1/91.
01/29/91 Senate—Introduced–SJ 65
01/30/91 Senate—Referred to Trans. & Util.–SJ 72
02/07/91 Senate—Withdrawn from Trans. & Util.–SJ 103; Referred to Judiciary--SJ 103
03/11/91 Senate—CR: Be passed as am. by Judiciary–SJ 279
03/13/91 Senate—EFA, amt. & debate: CR adptd; further am.; passed as am.; Yeas 40 Nays 0–SJ 333
03/13/91 House—Received and introduced–HJ 409
03/14/91 House—Referred to Judiciary–HJ 412
02/27/92 House—CR: Be not passed by Judiciary--HJ 1462
02/28/92 Senate—Rejected by House

S 0076 Bill by Ways and Means

Senate Education
Attachment 2
3-10-98

209, 84-4a-210, 84-4a-211, 84-4a-212, 84-4a-301, 84-4a-302, 84-4a-303, 84-4a-304, 84-4a-305, 84-4a-401, 84-4a-402, 84-4a-403, 84-4a-404, 84-4a-405, 84-4a-406, 84-4a-501, 84-4a-502, 84-4a-504, 84-4a-506 and 84-4a-507 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, nays 0, present and passing 0, absent or not voting 0.

Yeas: Allen, Anderson, Bogina, Bond, Brady, Burke, Daniels, Doyen, Ehrlich, Feleciano, Frahm, Francisco, Gaines, Harder, Hayden, Kanan, Karr, D. Kerr, F. Kerr, Langworthy, Lee, Martin, McClure, Montgomery, Moran, Morris, Oleen, Parrish, Petty, Reilly, Rock, Salisbury, Sallee, Steineger, Strick, Thiessen, Vidricksen, Walker, Winter, Yost.

The bill passed.

SB 371, An act concerning the uniform commercial code; relating to negotiable instruments; amending K.S.A. 84-1-207, 84-2-511, 84-4-101, 84-4-102, 84-4-103, 84-4-104, 84-4-105, 84-4-106, 84-4-107, 84-4-108, 84-4-201, 84-4-202, 84-4-203, 84-4-204, 84-4-205, 84-4-206, 84-4-208, 84-4-209, 84-4-210, 84-4-211, 84-4-212, 84-4-213, 84-4-214, 84-4-301, 84-4-302, 84-4-303, 84-4-401, 84-4-402, 84-4-403, 84-4-405, 84-4-406, 84-4-407, 84-4-501, 84-4-502, 84-4-503 and 84-4-504 and K.S.A. 1990 Supp. 84-1-201 and repealing the existing sections; also repealing K.S.A. 84-3-101 through 84-3-122, 84-3-201 through 84-3-208, 84-3-301 through 84-3-307, 84-3-401 through 84-3-419, 84-3-501 through 84-3-511, 84-3-601 through 84-3-606, 84-3-701, 84-3-801 through 84-3-905, 84-4-109 and 84-4-207, was considered on final action.

On roll call, the vote was: Yeas 40, nays 0, present and passing 0, absent or not voting 0.

Yeas: Allen, Anderson, Bogina, Bond, Brady, Burke, Daniels, Doyen, Ehrlich, Feleciano, Frahm, Francisco, Gaines, Harder, Hayden, Kanan, Karr, D. Kerr, F. Kerr, Langworthy, Lee, Martin, McClure, Montgomery, Moran, Morris, Oleen, Parrish, Petty, Reilly, Rock, Salisbury, Sallee, Steineger, Strick, Thiessen, Vidricksen, Walker, Winter, Yost.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator F. Kerr an emergency was declared by a ⅔ constitutional majority, and **SB 12, 13, 62, 75, 133, 143, 167, 195, 197, 211, 212, 213, 214, 215, 216, 233; Sub SB 237; SB 267, 319, 322, 328, 335, 337, 339, 341, 342, 343, 354, 356** were advanced to Final Action, subject to amendment, debate and roll call.

SB 12, An act supplementing the uniform commercial code; concerning security interests in oil and gas production; amending K.S.A. 84-9-306 and K.S.A. 1990 Supp. 84-9-312 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, nays 0, present and passing 0, absent or not voting 0.

Yeas: Allen, Anderson, Bogina, Bond, Brady, Burke, Daniels, Doyen, Ehrlich, Feleciano, Frahm, Francisco, Gaines, Harder, Hayden, Kanan, Karr, D. Kerr, F. Kerr, Langworthy, Lee, Martin, McClure, Montgomery, Moran, Morris, Oleen, Parrish, Petty, Reilly, Rock, Salisbury, Sallee, Steineger, Strick, Thiessen, Vidricksen, Walker, Winter, Yost.

The bill passed.

SB 13, An act relating to payment of interest on proceeds from oil or gas production, was considered on final action.

On roll call, the vote was: Yeas 40, nays 0, present and passing 0; absent or not voting 0.

Yeas: Allen, Anderson, Bogina, Bond, Brady, Burke, Daniels, Doyen, Ehrlich, Feleciano, Frahm, Francisco, Gaines, Harder, Hayden, Kanan, Karr, D. Kerr, F. Kerr, Langworthy, Lee, Martin, McClure, Montgomery, Moran, Morris, Oleen, Parrish, Petty, Reilly, Rock, Salisbury, Sallee, Steineger, Strick, Thiessen, Vidricksen, Walker, Winter, Yost.

The bill passed.

SB 62, An act enacting the student publications act, was considered on final action.

The bill was amended by the adoption of the committee amendments.

Was further amended by motion of Senator Oleen on page 1, line 27 by striking all after the period; by striking all of lines 28 through 30;

Also on page 3, in line 28, by striking all after the period; by striking all of lines 29 through 34.

On roll call, the vote was: Yeas 37, nays 2; present and passing 1; absent or not voting 0.

Yeas: Anderson, Bogina, Bond, Brady, Burke, Daniels, Doyen, Ehrlich, Feleciano, Francisco, Gaines, Harder, Hayden, Kanan, Karr, D. Kerr, F. Kerr, Langworthy, Lee, Martin, McClure, Moran, Morris, Oleen, Parrish, Petty, Reilly, Rock, Salisbury, Sallee, Steineger, Strick, Thiessen, Vidricksen, Walker, Winter, Yost.

Nays: Allen, Montgomery.

Present and Passing: Frahm.

The bill passed, as amended.

SB 75, An act relating to telephone solicitation; concerning unsolicited telephone calls; regulation thereof, was considered on final action.

The bill was amended by adoption of the committee amendments.

Was further amended by motion of Senator Moran on page 2, line 12, after the word "soliciting" by inserting "and the purpose of the call".

On roll call, the vote was: Yeas 40, nays 0, present and passing 0, absent or not voting 0.

Yeas: Allen, Anderson, Bogina, Bond, Brady, Burke, Daniels, Doyen, Ehrlich, Feleciano, Frahm, Francisco, Gaines, Harder, Hayden, Kanan, Karr, D. Kerr, F. Kerr, Langworthy, Lee, Martin, McClure, Montgomery, Moran, Morris, Oleen, Parrish, Petty, Reilly, Rock, Salisbury, Sallee, Steineger, Strick, Thiessen, Vidricksen, Walker, Winter, Yost.

The bill passed, as amended.

SB 133, An act concerning consumer protection; relating to telemarketing fraud, was considered on final action.

The bill was amended by adoption of the committee amendments.

On roll call, the vote was: Yeas 40, nays 0, present and passing 0, absent or not voting 0.

Yeas: Allen, Anderson, Bogina, Bond, Brady, Burke, Daniels, Doyen, Ehrlich, Feleciano, Frahm, Francisco, Gaines, Harder, Hayden, Kanan, Karr, D. Kerr, F. Kerr, Langworthy, Lee, Martin, McClure, Montgomery, Moran, Morris, Oleen, Parrish, Petty, Reilly, Rock, Salisbury, Sallee, Steineger, Strick, Thiessen, Vidricksen, Walker, Winter, Yost.

The bill passed, as amended.

SB 143, An act concerning teachers; imposing a period of time requirement for the holding of hearings provided upon notice of nonrenewal or termination of contracts of employment; amending K.S.A. 72-5439 and K.S.A. 1990 Supp. 72-5438 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, nays 0, present and passing 0, absent or not voting 0.

Yeas: Allen, Anderson, Bogina, Bond, Brady, Burke, Daniels, Doyen, Ehrlich, Feleciano, Frahm, Francisco, Gaines, Harder, Hayden, Kanan, Karr, D. Kerr, F. Kerr, Langworthy, Lee, Martin, McClure, Montgomery, Moran, Morris, Oleen, Parrish, Petty, Reilly, Rock, Salisbury, Sallee, Steineger, Strick, Thiessen, Vidricksen, Walker, Winter, Yost.

The bill passed.

My name is Alexis Vanasse. I have been on the staff of the Great Bend High School student publication, *Panther Tales* for the past two years. In those two years I have diligently fought for the Kansas Student Publications Act and the First Amendment, which entitles me to my freedoms of the press, and these freedoms cannot be taken away from me because I am a student.

Near the end of the '96-'97 school year I wrote an article bringing to attention the preferential punishments given to students based on their family's social status compared to the punishments handed down to students who had been deemed "class clowns". This article almost directly followed a previous article written by another staff member about increased drug use in the school.

As a result of these articles our editorial page was eliminated on August 8, 1997 by our school principal, regardless of the fact that no libelous material had been printed. We had to work long and hard to have our opinions reinstated, and we succeeded. But, our opinions came with new regulations as to how and when we were allowed to voice them. We were restricted in the ways in which we could tell the truth so that others wouldn't have to be held accountable in full for their actions.

Our new guidelines prohibited us from writing about material that was deemed "trite" or "trivial" by our principal and our journalism advisor. When several students attempted to write articles informing the student body about the situation concerning the newspaper. Three articles were submitted and all three were turned down because the material was "controversial" and not suitable for the student body to read, although the matter centered around the workings of the student paper and it's writers.

Later I wrote an article about the school's failure to report sexual harassment to the county attorney's office and forcing parents to report the matter themselves. This article was given a space in the paper for three issues and never allowed in. Finally the article was rejected because our journalism advisor decided that it was not newsworthy.

Gaining the freedom to point out any injustices or wrongdoings in the educational process is the struggle we are still engaging ourselves in. Articles for *Panther Tales* are still being withheld because they contain controversial subject matter and that needs to be changed.

Student newspapers are meant to teach students about the world of newspapers. In that world reporters do not struggle to remain in the shadows and report on unobtrusive subjects. They seek out stories that show, not only the greatness of society, but also the faults, so that these faults can be changed. The right to seek out these faults should not be denied to student journalists, for they are also able to see faults in the system that they are surrounded by daily.

The current Kansas Student Publications Act has proven to be fair and consistent with the rights of students, teachers, and administrators. It allows administrators and journalism advisors to edit and withhold articles that are libelous, condone illegal behavior, or cause substantial disruption in the learning process. It also holds student journalists accountable for their written words and forces them to take responsibility for their comments. Administrators and teachers are not the ones who held accountable for libel in school papers. The students are given this weight to carry and that is how it should be. Allowing students the freedom to express themselves while still obligating them to face the

Senate Education
Attachment 3
3-10-98

consequences of any mistakes they may make is an extremely fair and just manner in which to handle student publications.

Allowing administrators and advisors greater discretion with which to censor is not only unconstitutional, but immoral. For it is the freedom of the press that has allowed for some of the greatest changes in society and which will continue to make these changes. Student journalists can also bring about change and should be given the freedom to strive for it.

Panther Tales Editorial Guidelines

The opinions page should indicate a strong editorial voice for the publication. We should demonstrate leadership with our paper, the basis of which should be a strong opinions page. Editorials on said page will avoid trite and trivial topics, focusing on issues, public affairs, government dealings, and other topics that are open to public speculation. They will include logical, rational, and mature subject matter, stimulating the reader to take action, and showing evidence of good research.

Editorials may attack, defend, praise, endorse, instigate, advocate, entertain or predict: all accepted functions of traditional American press. However, in no instance will an editorial focus on an individual person. Exceptions to this may include celebrities, elected officials, or others who have by choice put themselves into the public spotlight. Topics which include unproven or questionable facts, facts which could be misconstrued, or those which could be considered libilous or invasion of privacy will not be considered for publication. Criteria for inclusion of stories or other materials will be those of acceptable, responsible journalism, including restraint by the student journalists and the adviser in such matters as libel, privacy, contempt, obscenity, good taste, and copyright.

The opinions page will remain part of every issue as long as these guidelines are followed and deadlines are met. All letters to the editor, cartoons, and staff editorials are due in draft form by Friday, two weeks prior to publication. The Panther Tales staff will consider all editorials meeting these guidelines, and will choose the best representation for the page. If conflicts arise between staff and adviser over admissibility of an article, the administration will be consulted. If problems still occur, a panel comprised of community members, GBHS faculty, and students may be established to discuss the article in question. The panel will be a last resort, and their decision will be final.

If there are not sufficient articles to fill a page, those to be published will be held over until the next issue and no opinions page will be printed for that issue.

*31132 K.S. § 72-1506

KANSAS STATUTES
CHAPTER 72. SCHOOLS
ARTICLE 15. **STUDENT PUBLICATIONS**

Current through End of 1996 Reg. Sess.

72-1506. Liberty of press protected; regulation authorized; review of material not restraint on **publication**; material not protected; responsibilities of editors and advisers; liability, immunity and limitations.

(a) The liberty of the press in **student publications** shall be protected. School employees may regulate the number, length, frequency, distribution and format of **student publications**. Material 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 material 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**.

(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. 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 section, **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 high standards of English and journalism. No such adviser 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 of rights 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. **Student** editors and other **students** of a school district, if such **student** editors and other **students** have attained the age of majority, shall be held liable in any civil or criminal action for matter expressed in **student publications** to the extent of any such **student** editor's or other **student's** responsibility for and involvement in the preparation and **publication** of such matter.

**31133 History: L. 1992, ch. 5, § 3; July 1.*

SAM WRIGHT
Staff Writer

Panther Tales has its editorial page back, and everyone should celebrate, but I can't seem to work up the excitement. In my head, the question still churns, "who won?" Did the paper really get their editorials back, or just new ones with new guidelines. Those guidelines, at least are in the spirit of the original cancellation. Did the administration win by imposing their guidelines? Before, the paper was free to print opinions without guidelines and responsible to make their stories honest and right. Now, the guidelines feel like a slap on the wrist, or a leash, ready to pull us back if we get out of line. But, I don't feel Mr. Hester is in the clear, either. His actions have precipitated a lawsuit against the school. The ACLU has threatened to bring a lawsuit against him as printed in the Tribune. So, who wins? Surely, Alexis Vanasse wins, for she stood by what she believed was right, stuck to her principles, and was vindicated by the ACLU in the end. But, she also may get Mr. Hester fired. Whether he deserves it or not is a subject for a different editorial. Let's all remember that this man still has a family to support. Yet, even as I say that, I know that GBHS's students should not give up their freedom so the Hester family can eat. This is all one big mess, and I can't see through the clutter to find a winner. As I see it, the spoils of the war add up to less than what was originally fought for, yet the destruction still remains. So, while you celebrate or lament the outcome, don't forget that the enemy was also human. And those of you who believe in God, pray that some wisdom would be instilled into this situation. Those who don't, weep a little for the casualties of war.

All hail the Good ol' Boy system

Alexis Vanasse

Staff Writer

Being a student of this school and witnessing the breaking of school rules and the punishments received for it makes one take notice that the "Good ol' Boy" system prevails in a very blatant manner. You could almost imagine the conversations that go on behind the closed doors of the GBHS punishers.

"Deric* is accused of sexual harrassment? Well, his father is on the school board. We better let it go this once. Two days ISS."

Or, " That little troublemaker Lenny was wearing a wallet chain? Make an example out of him. Three days ISS."

It is very apparent by the punishments received in this institution that this is the form that justice seems to take. I personally am immensly tired of hearing about the biased punishments served to the student body.

On Hollyball night, as most know, there was a breathalizer. When the students walked in the door they were told to either go to the breathalizer line or go to the line in which Mr. Lester smelled your breath.

This gave the administrators the discretion to choose who they felt would be the troublemakers and let the "good kids" off of the hook. The troublemakers ironically included the juniors and seniors and any other individuals that Lester deemed worthy of the breathalizer.

The funny part about this whole charade was that even those who failed the test actually were let in to the dance because they were students that are looked up to by the student body.

And the small scenario given in quotations earlier was actually a true occurence. Last year a student was charged for sexual harassment and was given a lighter punishment than another student who wore a wallet chain to school this year. The difference to the administrators was the fact that one of the students had a prominent father and the other was a "delinquent."

This warped, prejudiced, bigoted, twisted form of injustice has apparently been spoon-fed to the students of this school for years, and it has always been swept under the rug to protect the uplifted names of those who strive to follow the "Good 'ol Boy" system at every chance. It is truly a disgusting exhibition of what we should not be witnessing in our high schools.

As students in an American high school in which we all are allowed the rights assured to us in the preamble of the Constitution, we should not have to be subject to this. We should be able to be our own individuals without having to worry about prejudiced punishments given to us.

This school has proved to be a large disappointment in the struggle for equality among the personality diverse.

** All names have been changed so as to keep this writer from getting in trouble.*

3-6

GBHS students just say yes

Ashly Basgall
Opinions Editor

To the casual observer, GBHS students seem like clean-cut drug-free, D.A.R.E students. Despite the fact that most students do not fit the "druggie" stereotype, drug use is not uncommon in our high school.

"If people would look below the surface of our 'clean' school, it would be very obvious that the D.A.R.E. program doesn't work," said a student.*

"I started doing drugs my freshman year. It seems to be different now. Drugs are much more widely distributed. I estimate that over 50% of GBHS does drugs."

Why are we spending our time using drugs? Everyone has a different reason.

"Many kids use drugs as an excuse that there's nothing else to do in a little town like Great Bend."

"Using drugs provides immediate amusement. And our generation seems to be the 'immediate' generation, so it makes sense that kids use drugs."

"I like the state of mind. Drugs make me see things from a different point of view. I notice some things being high that I wouldn't realize being sober."

"Drugs are a way to get away from what is a very stressful point in time. With all of the rules and regulations teenagers have, they need some way to release the tension."

Some programs have been implented in an attempt to cure the drug problem.

"It's too bad the D.A.R.E. program is looked down upon, but I think the drug dogs are cute. We need more of them."

"I'm not worried about the drug dogs myself. They're good because you're not too smart if you bring drugs to school."

A few students have realized the downside of drug use.

"Drugs can screw up your life. I look at my parents and I don't want to be burnt out."

"I bet I could find a million other things to do here instead of ruining my life with drugs."

"Your body can only take so much before gives up."

"I did drugs mainly to have a good time. Basically I stopped because of a 'bad trip.' And I saw what marijuana could do to my friends."

One student sums up the problem, "*Some* drug use is okay, but you have to be mature. Unfortunately most GBHS students are not mature enough. The problem is, people do drugs for the wrong reasons. Most students can't balance out work and play; they let the drug use become a habit."

Sadly, teenagers will continue to use drugs for the "wrong reasons."

"*Nothing* would make me stop using drugs."

**Names witheld to protect the not-so-innocent.*

3-7

Megan Baumgartner, co-editor of the Panther Pause student newspaper, testifying before the Senate Education Committee opposing Senate Bill #669 on March 9, 1998

Jana Chester and Megan John, fellow editors of publications

Phillipsburg High School, Phillipsburg, Kansas

Prior restraint is contrary to Kansas History and works against free interchange of ideas.

Students and their advisors are trained to meet high standards of journalism. Administrators are not trained, neither are they part of the discussion, discovery, and learning of yearbook and newspaper staffs.

Senate Education
Attachment 4
3-10-98

First, I would like to address the issue of administrative prior review, which is essentially allowed by the proposed amendments.

Kansas has always stood with two feet firmly planted on the ground of individual rights. From the moment Kansas entered the union as a Free State, Kansans have been granted rights foreign to others. Will it now deny students their right to express and inform?

Kansas led the fight for student press rights. In 1992, Kansas became the 5th state to pass Senate Bill #62, granting college and high school students the privilege and right to work without prior review by agents of local government, in this case, school administrators.

Student publications have given me a forum to freely, yet responsibly, express my point of view and the views of my peers on various important, relevant and sometimes controversial issues of interest to Phillipsburg High School students. Some topics the Panther Pause and Panther yearbook have covered in the past two years are sexual abstinence, smoking, local vandalism, abortion debates, national gay rights controversy, governmental power abuse, and religious issues. Some topics may make parents and administrators uncomfortable, but we don't live in a perfect world. Students need more than fluff.

If students don't have a free forum any longer, if administrators are given the right to read and revise the stories before we publish them, if the amendments to current law are approved, where will students turn to express their opinions? Now, student publications are held to the same standards and laws as professional publications. And, yes, like the professional publications, we do make mistakes; it is a learning experience.

The best prior review that administration already has is to scrutinize the credentials and performance of journalism educators, who are trained in journalistic principles. The proposed amendments won't end irresponsible journalism because administrators aren't well versed in what high journalistic standards include.

4-2

Typical Kansas student journalists are immersed in the decision-making process of responsible reporting. We receive extra help from regional, state, and national workshops and seminars.

At the beginning of each year, our certified journalism educator reviews and stresses the importance of the goals that have been set by our staff. One of our guidelines is "to meet professional journalism standards and follow the American Society of Newspaper Editors' Canons of Journalism." These include responsibility, obligation to guard freedom of the press, independence, sincerity, truthfulness, accuracy, impartiality, fair play, and decency.

We, as student journalists, know our limits and in the past have taken the responsible step of consulting lawyers instead of making hasty judgments on our own.

We are also expected to abide by a writer's pledge of ethical conduct. Included in this pledge are: "I will work to report all sides of an issue, no matter how difficult; I will check all quotes and facts at least twice and I will honor the right to privacy of individuals in the school." Under the watchful eyes and guiding hands of our adviser, we on yearbook and newspaper staffs have published responsible work.

The responsibility currently granted to members of the student press may seem like handing a bag of cookies to a toddler right before dinner, and some may question whether it gives us too much responsibility, but many student press members are 18 years old. I believe that I, like many other journalism students, have the proper training to use a keyboard and a pen and paper. If we don't grasp the responsibility now, when will we have it?

One of our handbook goals is to "promote communication between students and parents on issues of interest and importance to the students." If the current law is amended, newspapers and yearbooks might not be able to spark much-needed conversation between parents and their teenagers about difficult subjects like abstinence. We have also declared to "serve as an open forum for spirited discussion of ideas." If limitations are placed on student publications, administrators might not be aware of policies or actions that concern students.

Are administrators aware of the Canons? Can they make educated, deadline-based decisions concerning the content of student publications without the background of the editorial process? We don't believe they can or should. Journalism teachers are required by state law to have a minimum of 15 credit hours of journalism course work before they step one foot inside a high school journalism classroom. Will administrators take five college journalism classes to become educated concerning journalism principles and issues? Do they have time? Is it right for us to ask them to? Once again, we don't believe so. Amateur journalists overall, are less cynical, less biased, and more empathetic than older adults.

March 9, 1998

Distinguished Senate Committee Members:

My name is Scott Roberts and I am a teacher and yearbook advisor at Blue Valley High School in Stilwell, Kansas. I graduated from Shawnee Mission Northwest High School in 1990 where I was a three year member and the editor-in-chief of the *Passage* newspaper staff. I attended the University of Kansas where I majored in Secondary Education. I graduated from the University of Kansas in 1994, and then received a five year Kansas Comprehensive Teaching certificate for grades 6-12 in Social Studies and English in 1995.

I began my current position at Blue Valley High School at the beginning of the 1995-96 school year. I have been a member of numerous district and building committees and was most recently named a finalist for Blue Valley High School's Teacher of the Year. I am a member of the Journalism Education Association, National Scholastic Press Association, and Kansas Scholastic Press Association. Yearbook staffs I have advised have earned two All-American honors, an All-Kansas, and have been runners-up at the 5A KSPA State Competition.

The statement I prepared for the committee is in support of K.S.A. 72-1506 in its present form. I am opposed to the amendments proposed by Senate Bill No. 669.

Thank you for your time.

Sincerely,

Scott A. Roberts

Senate Education
Attachment 5
3-10-98

Distinguished Committee Members:

I feel a sense of de ja vu standing at this podium today. As a high school student journalist, I spoke eight years ago to a committee very similar to this one in support of a student publications bill. On that day, I spoke of the importance of a free student press. I am now a high school publications adviser, and although my perspective has changed, my passion for this cause has not. My position, as a former student and now a journalism advisor, allows me to evaluate this issue from both a student's and a school district employee's point of view. My purpose is to use educational and historical precedents to explain why the current statute, K.S.A. 72-1506, should remain unchanged.

Corporate America consistently demands that public education needs to better prepare its students to enter the modern workplace. K.S.A. 72-1506 is such a progressive law because it allows us, as journalism advisers, to meet those demands. Student editors must work with publications advisers to develop strong editorial policies and high publication standards. This process personifies problem solving and critical thinking, two skills business leaders say are lacking from today's college graduates. I have difficulty understanding why this pedagogically beneficial aspect of the law should be taken out of the students' hands and placed into the hands of the school boards. Senate Bill No. 669 will allow school boards and school officials to establish standards for a student publication. I have personal experience working with editors to establish policies they deem as journalistically proper and legally responsible. The present wording of the statute places the legal liability on the students as well as the responsibility to develop high journalistic standards. That is the real world education demanded by Corporate America.

From the perspective of a former scholastic journalist and a present journalism adviser, allow us to help the students to determine the high standards of journalism. I strongly support K.S.A. in its present form, more importantly, hundreds of corporate CEOs and centuries of historical precedents do as well.

In addition to my role as a journalism adviser, I am also a history teacher. I have spent most of the last eight years either studying or teaching history. American history provides several precedents to support K.S.A. 72-1506. The first amendment right to a free press is a hallmark of our democracy. The right of journalists to report the decisions of those in elected or appointed office, as well as provide fair comment and criticism of those decisions, is an invaluable tool in America. The courts' support of this right extends from the Zenger trial in the 18th century to the Sullivan v. New York Times decision in the 20th century. The Great Bend High School newspaper articles that influenced the introduction of this bill are current examples of the right to fair comment and criticism dating back to the first amendment. I realize as a school district employee the discomfort criticism can cause. In the school's newspaper in which I work, I have, in fact, been the subject of criticism. As uncomfortable as that experience may have been personally, it provides me great comfort that student journalists have the right to that criticism.

Allowing school boards and school officials the right to establish, "written guidelines that define high standards of English and journalism applicable to student publication," takes away from the students much of the power of the current statute, but leaves in their financial liability. The most disturbing part of the bill is the phrase "high standards of English and journalism." I understand not wanting student journalists to commit libel or disrupt the school process outlined by Tinker v. Des Moines. The current statute already addresses those issues. I am concerned that criticizing school district officials and using anonymous sources may also be lumped into the term "high standards of journalism."

Hello. My name is Ragan Hacker. I am the Editor-in-Chief of the Wichita High School East Messenger newspaper. I want to extend a thank you to the Senate Education Committee for allowing me the opportunity to appear here today.

As a 17-year-old senior in high school, I will not attest to knowing the ways of the world or holding a panacea for all of life's blemishes and problems. I do know, however, that I find what appears to be the disapproval of the adult community toward high school journalism disheartening and rather discouraging.

High school journalism in the 1990s is not the journalism of 30 years ago. Along with free expression guarantees first established by the Tinker case in the 1960s, journalism teachers became certified in journalism, not just English. They are taught to become more aware of journalistic procedures, laws and ethics. This type of training and education benefits the students — and the publication. The advisers' training enables the students to learn these concepts, and consequently, make their own decisions.

Advisers teach ethics and law to their students and prepare them to work for a publication that is devoid of defamation, obscenity, libel and sensationalism, as stipulated in Senate Bill 669. Therefore high school newspaper writers are already taught to avoid stories that would encourage riots, fights or substantially disrupt school activities. Students are trained in the areas of ethics and law before they begin work on the newspaper, and they become self-motivated to make decisions leading to self-censorship of their own newspaper.

High school is a time when students learn to reflect on past decisions and experiences and discover that there are always consequences to any action. Journalism is one of the best ways for a student to learn these meaningful lessons. When I hold staff meetings to plan the next issue of the paper, there are times when the staff does agree not to run a certain story because of its content. Students are aware that there are guidelines concerning what is fit to print in their own paper. This free expression the students have been guaranteed in Bill 669 produces responsible journalism.

I will conclude in saying that, as role models for the future news anchors, world leaders and presidents, you hold the power to encourage — not discourage — the free press rights of these young adults who write with their hearts, who are learning to value truth, freedom and experience, and who have the right to
live in a society where censorship does not blind nor impede their dreams and ability to learn.

Perhaps the writer Alexander Solzhenitsyn sums up my point best when he said, "Woe to the nation whose literature is cut short by the intrusion of force. This is not merely interference with freedom of the press but the sealing up of a nation's heart, and the excision of memory."

Senate Education
Attachment 6
3-10-98

Re: Senate Bill No. 669

Lauren Brandenburg
Shawnee Mission Northwest High School
12701 West 67 Street
Shawnee, KS 66216

I am opposed to Senate Bill No. 669 for the following reasons:

1. The bill denies freedoms guaranteed in the Constitution.
2. It takes away control but leaves liability.
3. It greatly decreases the quality of education.

Senate Education
Attachment 7
3-10-98

Re: Senate Bill No. 669
Lauren Brandenburg
Shawnee Mission Northwest High School
12701 West 67 Street
Shawnee, KS 66216

Ladies and gentlemen:

Did you read the paper this morning? Chances are that if you did, you probably saw an article about the alleged Clinton scandal. Though we all complain about it and are tired of hearing about what Clinton did or didn't do, at least we live in a country where we can be informed. Imagine that one morning you wake up to find that Clinton controls the professional media. You can only hear what he wants for you to hear and only read what he sees fit. Every article praises Clinton's agenda, his foreign policy, his personal achievements. Would this seem a little like a dictatorship or a communist regime? Wouldn't you question to where your constitutional rights had disappeared? Clearly this policy would be a far cry from the free and vibrant press envisioned by the founding fathers and disastrous on a national level. Yet this is exactly what Senate Bill No. 669 would do for high school journalism. The answer to the question of whether to enact this bill is a resounding no.

Any high school student in Government can tell you about constitutional freedoms of the press and of free speech, yet this bill does not support either of these. It is completely contradictory to teach 17 and 18-year olds about these freedoms and then deny them once they enter journalism class. The student press under this bill would only be allowed to run what the administration sees as fitting "high standards of English and journalism." High standards of English probably deal with grammar, spelling, and punctuation. However, most administrators do not have formal journalistic training and therefore do not know what high journalistic standards are, whereas most Kansas advisors in the current system have at least two years of training and are already able to tell students when not to run something. Would the new policy mean that a student publication can publish anything it wants as long as it doesn't question any of the policies of the administration? Where do we draw the line? The terms outlined in this revised bill are very vague in this area, which would prove most definitely to be a problem if enacted. The freedoms to print accurate news and to express one's views publicly are protected in the constitution and should remain that way. Yet this is not the only flaw evident in this bill.

Responsibility and liability also raise big questions. This bill would effectively remove control of content from a student publication staff, yet this same staff would remain legally responsible for that content. Though students may have no say in what is published, they or their parents may be held liable. This is obviously a double standard, and something with which we should be concerned. It would seem most logical to hold those who control content responsible. Yet the bill does not allow for this, and that is a fatal error.

Thirdly, this bill would undermine the quality of education that this committee is trying to preserve and uphold. By allowing administrators to dictate what is and is not journalistic, high school journalists would basically be placed in a bubble and cut off from the real world. Participation in a high school publication in Kansas is designed to give students hands-on experience in a field that exists in the real world so that they can excel later on, and Kansas, in which students have had control of the press with the exception of four years since the program began, currently excels as one of the top states for high school journalism. None of the other states with a policy like ours are looking to change them, and with good reason. Censorship takes away reasons for which the program was designed; instead of learning what should or shouldn't be published and learning to make difficult decisions such as running an article that will receive criticism, high school journalists would be told what to do. Yes, mistakes are sometimes made, but mistakes are made in the chemistry lab too. Though a journalistic error has different ramifications than one in the lab, it is part of the learning process. No one is trying to take away the opportunity for chemistry students to do labs; why take away student press rights? Their voices would be effectively silenced, and high school publications would be no more than a newsletter from the principal. What this bill would demonstrate to students is that their voices do not matter, that they should not question the system they are under or the environment in which they are placed. This would be a tragedy. Would we tell a professional journalist that they should have Clinton read their article about the alleged scandal before running it? Obviously not. Why should we do so for high school journalists? Instead of

allowing free speech, we would be surpressing free thought and showing that it is not actually valued in our society. Encouraging silence when something is out of line does not lead to better journalism; rather, it leads to corruption. Yet future journalists are not the only ones affected; some of those who participate in the high school program will go on to be teachers, doctors, lawyers. At this point we also create poor citizenry.

After examining Senate Bill No. 669 and taking into account its intent in addition to the fact that it denies constitutional freedoms, incurs unfair liability, and decreases the quality of education, the course of action is simple: **vote down this bill**. It is time to show that we care about our constitutional rights, about who takes the blame for something, and about the quality of education we provide our students. If Clinton controlled the professional press, what reason would remain to read the paper in the morning? High school administrators can already send out newsletters on their own. They do not need this bill to give them that privilege. If this bill is enacted, what will be teaching high school journalists? The purpose is gone. For the future careers of high school journalists and also future citizens, it is important to have real world experience. For these reasons, it is important to reject this bill. It is important to have a paper to read tomorrow morning.

American Civil Liberties Union of Kansas & Western Missouri

Wendy McFarland/Lobbyist (785) 233-9054 Jacob Montgomery/Student Intern

Testimony in Opposition to SB 669 Concerning Student Publications March 8, 1998

Good morning. My name is Jacob Montgomery. I appear before you today as a student from Lawrence High School and a legislative intern for the American Civil Liberties Union. I wish to comment on the civil liberties and constitutional aspects of the proposed change to current law found in Senate Bill 669.

The First Amendment is a truly unique foundation for this country. The rights of free belief and expression are celebrated and practiced more than any other right availed to citizens by our Constitution. The ACLU supports the rights of students to exercise these freedoms.

Students must have the rights of a free press in order to learn the duties that accompany those rights. An uncensored press creates a forum of opportunities for students to express their views. School administrators and the community at large are much more likely to understand and react positively to the issues that student's face if there is a clear and unfettered line of communication available to students.

Uncensored publications also give student readers the chance to practice and develop their skills as media consumers. They can learn to absorb, filter, and interpret the ideas of others as the sophisticated American public has been allowed to do since the First Amendment was adopted by our founding fathers.

The educational needs of students will not be served by eliminating a free press in scholastic environments. Such unthinking contempt for a student's right to speak freely should not be tolerated by those among you who see the First Amendment freedoms of speech as rights availed to all Kansans, not just those beyond the age of high school. Censorship, which is exactly what this bill will allow under the guise of "revisions and corrections," is particularly insidious when applied by school administrators to whom the public entrusts the task of inculcating patriotic appreciation of liberty in a democracy.

In 1974, the report issued by The Commission Of Inquiry Into High School Journalism showed some significant findings. "Censorship is the fundamental cause of the triviality, innocuousness and uniformity that characterize the high school press," the report said. "Where a free, vigorous student press does exist there is a healthy ferment of ideas and opinions with no indication of disruption or negative side effects on the educational experience of the school."

Senate Education
Attachment 8
3-10-98

Too often school officials camouflage viewpoint discrimination as "mere" protection of students from sensitive topics. With skilled journalism teachers guiding them, students not only will be able to explore topics and gather facts vital to their lives, but they will experience firsthand the value the First Amendment offers all citizens. How can one learn about freedom of speech without being able to experience both the freedom and responsibility that comes with it?

Even those who will not follow a career in journalism will benefit by learning to appreciate why the United States Supreme Court continues to recognize the press as America's vehicle for keeping the people informed about their government. The same can be said of a school newspaper which serves as a vehicle for keeping the students informed about a school's governing body.

In America, there should be no distinction between the roles of student and mainstream press. Both serve to inform their readers of issues that should concern them and any attempt to censor the free flow of information should be denounced as an unacceptable attempt to control what Kansans can and cannot know about those who sit in power.

The freedoms and educational opportunities available under the widely envied Kansas statute enacted by our legislature in 1992 should remain as a model for other states to follow. Student journalists, under the watchful eyes of capable instructors, continue to adhere to the highest standards of journalism. They may not publish obscene or libelous articles nor are they allowed to create a substantial physical disruption of the school or invade the privacy of others.

The Supreme Court has always viewed the most unpopular and subversive ideas as those deserving the greatest protection. Senate Bill 669 would allow administrators and sponsors to censor articles at their discretion. Can we not then assume, based on the history of censorship prior to the enactment of current law, that many articles will not see print if they contain unpopular stances or address controversial issues?

As a Kansas high school student who will soon go on to college, I respectfully ask you to continue the protection of free speech rights for the students I leave behind. We, the leaders of tomorrow, ask you as leaders of today, to stand firm by retaining current law.

Please resist any attempt to censor the speech of students old enough to die protecting that speech in service to their country. In wartime, many young Kansans gave their life within months of departing the very same schools this bill would now grant censorship rights to. Kansans must believe in what they may someday be asked to die for.

8-2

STUDENTS

FIRST AMENDMENT: STUDENT PUBLICATIONS

Q. What control over the school newspaper does the administration of a school have?

A. If the school newspaper is school-sponsored, the *Hazelwood v. Kuhlmeier*, 108 S.Ct. 562 (1988), case suggests that the school may regulate the student speech so long as the regulation and control is reasonably related to legitimate pedagogical concerns.

With underground newspapers, most of the current case law suggests that a school cannot put prior restraints on the speech, but can only stop distribution if the distribution or the publication substantially disrupts the operation of the school or materially interferes with the rights of others.

Section 11 of the Kansas Bill of Rights provides:

> "The liberty of the press shall be inviolate; and all persons may freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such rights..."

Although the Attorney General has concluded that this section of the Kansas Constitution does not give the student press rights which are more expansive than those afforded by the First Amendment to the U.S. Constitution, this is a question which has not been determined by the Kansas courts.

Q. Does the *Hazelwood* standard apply to the school sponsored newspaper?

A. From a purely constitutional sense, yes, but state law in Kansas has broadened the rights of the student press, providing that "the liberty of the press in student publications shall be protected."

Q. What law defines the rights of the student press?

A. The Student Publications Act. K.S.A. 72-1504, *et seq*.

Q. What publications are included?

A. Any matter which is prepared, substantially written, or published by students, which is distributed or generally made available to members of the student body, and which is prepared under the direction of a certified employee.

Senate Education
Attachment 7
3-10-98

Q. Do we have any control?

A. Yes. You may regulate the number, length, frequency, distribution and format of school sponsored publications. You may review material to ensure it is consistent with high standards of English and journalism.

Further, 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 the act.

Q. Who determines the content of student publication?

A. Student editors of student publications are responsible for determining the news, opinions, and advertising content of such publications. Student publication advisors, 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 high standards of English and journalism.

Q. Surely we can refuse to print material which is highly political or controversial, can't we?

A. No. The law provides: "material shall not be suppressed solely because it involves political or controversial subject matter."

Q. Can an advisor be terminated for allowing students to publish a controversial story?

A. No. The law provides: "No such adviser 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."

Q. Can the board be liable for what students print?

A. No. The statute provides the district and board members with immunity.

Q. What about non-school sponsored student publications. Can we require that they be reviewed prior to distribution?

A. Probably not. In ***Burch v. Barker***, 861 F.2d 1149 (9th Cir. 1988), the court concluded that a school policy which subjected nonschool sponsored communications to predistribution review violated the First Amendment. However, you may control the time, place and manner in which such publications are distributed at school and can stop distribution if the material violates the ***Tinker*** standard or is libelous, slanderous or obscene.

[484 US 260]

HAZELWOOD SCHOOL DISTRICT, et al., Petitioners

v

CATHY KUHLMEIER et al.

484 US 260, 98 L Ed 2d 592, 108 S Ct 562

[No. 86-836]

Argued October 13, 1987. Decided January 13, 1988.

Decision: High school principal's deletion from school-sponsored student newspaper of pages containing articles he reasonably considered objectionable held not to violate students' First Amendment rights.

SUMMARY

A school-sponsored student newspaper was written and edited by a high school journalism class in Missouri. The school's curriculum guide described the journalism class as a laboratory situation in which the students were to publish the school newspaper applying skills they had learned in a previous class. School board policy provided that school-sponsored student publications (1) were not to restrict free expression or diverse viewpoints within the rules of responsible journalism, and (2) were to be developed within the adopted curriculum and its educational implications in regular classroom activities. The journalism class was taught by a faculty member during regular class hours, with students receiving grades and academic credit for their performance in the course. The teacher was the final authority with respect to almost every aspect of the production and publication of the newspaper, including its content. In addition, each issue had to be reviewed by the principal prior to publication. A statement of policy published in the newspaper declared that the newspaper, as a student-run publication, accepted "all rights implied by the First Amendment." On April 29, 1983, a new faculty adviser took over the class. On May 10, 1983, the new adviser submitted the proofs for the May 13 edition of the newspaper to the principal. One article scheduled to appear in that edition described the pregnancy experiences of three of the school's students. The principal expressed concern that the article did not adequately protect the anonymity of the pregnant students or the privacy of their boyfriends and parents, and that the article's references to sexual activity and birth control were

Briefs of Counsel, p 1064, infra.

Senate Education
Attachment #10
3-10-98

inappropriate for some of the younger students at the school. The principal also objected to another scheduled article, which dealt with the impact of divorce on students at the school, and in which a student who was identified by name made critical comments about her father. The principal, unaware that the student's name had been deleted from the final version of the article, believed that the student's parents should have been given an opportunity to respond to these remarks or to consent to their publication. Believing that there was no time to make the necessary changes in the articles, and that the newspaper would not appear before the end of the school year if printing were delayed, the principal directed the adviser to withhold from publication the two pages containing the two articles. Members of the newspaper's staff filed suit in the United States District Court for the Eastern District of Missouri against the school district and school officials, seeking declaratory and injunctive relief and monetary damages based on the allegation that the staff members' First Amendment rights had been violated. The District Court denied an injunction, holding that the principal's actions were reasonable (463 F Supp 1043). The United States Court of Appeals for the Eighth Circuit reversed, holding that (1) the newspaper was a public forum, and (2) school officials were entitled to censor the articles only if their publication could have resulted in tort liability to the school (795 F2d 1368).

On certiorari, the United States Supreme Court reversed. In an opinion by WHITE, J., joined by REHNQUIST, Ch. J., and STEVENS, O'CONNOR, and SCALIA, JJ., it was held that (1) the newspaper was not a forum for public expression, (2) the control that educators are entitled to exercise over school-sponsored publications, theatrical productions, and other expressive activities that might reasonably be perceived to bear the imprimatur of the school is greater than the control, governed by the standard articulated in Tinker v Des Moines Independent Community School Dist. (1969) 393 US 503, 21 L Ed 2d 731, 89 S Ct 733, which educators may exercise over a student's personal expression that happens to occur on the school premises, (3) educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns, and (4) the principal acted reasonably, and thus did not violate First Amendment rights, in requiring the deletion of the pregnancy and divorce articles and the pages on which those articles were to appear.

BRENNAN, J., joined by MARSHALL and BLACKMUN, JJ., dissented, expressing the view that the principal's actions violated the First Amendment's prohibitions against censorship of any student expression that neither disrupts classwork nor invades the rights of others, and against any censorship that is not narrowly tailored to serve its purpose.

10-2

HEADNOTES

Classified to U.S. Supreme Court Digest, Lawyers' Edition

Constitutional Law § 941 — freedom of press — high school newspaper — public forum

1a-1c. A public high school newspaper, written and edited by students in a journalism class, is not a forum for public expression, and school officials are accordingly entitled to regulate the contents of such a newspaper in any reasonable manner, where (1) although school board policy provides that school-sponsored student publications will not restrict free expression or diverse viewpoints within the rules of responsible journalism, the policy also states that such publications are to be developed within the adopted curriculum and its educational implications in regular classroom activities, (2) the school's curriculum guide describes the journalism class as a laboratory situation in which the students publish the school newspaper applying skills they have learned in a previous class, (3) the journalism class is taught by a faculty member during regular class hours, with students receiving grades and academic credit for their performance in the course, (4) the teacher is the final authority with respect to almost every aspect of the production and publication of the newspaper, including its content,

10-3

and (5) each issue must be reviewed by the principal prior to publication; the fact that a statement of policy published in the newspaper declares that the newspaper, as a student-run publication, "accepts all rights implied by the First Amendment" does not reflect an intent to convert the newspaper into a public forum but suggests at most that the school administration will not interfere with the students' exercise of those First Amendment rights that attend the publication of a school-sponsored newspaper; the fact that students are permitted to exercise some authority over the contents of the newspaper, consistent with the curriculum guide's objective of teaching the journalism students leadership responsibilities as editors, does not imply a decision to relinquish school control over the newspaper. (Brennan, Marshall, and Blackmun, JJ., dissented from this holding.)

Constitutional Law § 941 — freedom of expression — school-sponsored activities — students' personal expression

2a-2d. The control that educators are entitled to exercise over school-sponsored publications, theatrical productions, and other expressive activities that students, parents, and members of the public might reasonably perceive to bear the imprimatur of the school is greater than that which educators may exercise over a student's personal expression that happens to occur on the school premises; the standard articulated in the United States Supreme Court's opinion in Tinker v Des Moines Independent Community School Dist. (1969) 393 US 503, 21 L Ed 2d 731, 89 S Ct 733, for determining when a school may punish student expression need not also be the standard for determining when a school may refuse to lend its name and resources to the dissemination of student expression. (Brennan, Marshall, and Blackmun, JJ., dissented from this holding.)

Constitutional Law § 941 — freedom of expression — school-sponsored activities

3a-3e. Educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns; it is only when the decision to censor a school-sponsored publication, theatrical production, or other vehicle of student expression has no valid educational purpose that the First Amendment is so directly and sharply implicated as to require judicial intervention to protect students' rights under the Federal Constitution; a school may, in its capacity as publisher of a school newspaper or producer of a school play, disassociate itself not only from speech that would substantially interfere with its work or impinge upon the rights of other students, but also from speech that is ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences; there is no requirement that school officials' prepublication control over school-sponsored publications be exercised only pursuant to specific written regulations. (Brennan, Marshall, and Blackmun, JJ., dissented from this holding.)

Constitutional Law § 941 — freedom of expression — school-sponsored newspaper — article on student pregnancies — deletion by principal

4a-4d. A high school principal acts

10-4

reasonably, and thus does not violate First Amendment rights, in requiring the deletion from a school-sponsored student newspaper of an article written by a student concerning the pregnancy experiences of three of the school's students, where the principal can reasonably conclude that (1) the article does not adequately protect the anonymity of the pregnant students, (2) the article is not sufficiently sensitive to the privacy interests of the pregnant students' boyfriends and parents, and (3) students' comments in the article, concerning their sexual histories and their use or nonuse of birth control, are inappropriate in a school-sponsored publication distributed to 14-year-old freshmen and presumably taken home to be read by students' even younger brothers and sisters. (Brennan, Marshall, and Blackmun, JJ., dissented from this holding.)

Constitutional Law § 941 — freedom of expression — school-sponsored newspaper — article on parents' divorce — deletion by principal

5a-5d. A high school principal acts reasonably, and thus does not violate First Amendment rights, in requiring the deletion from a school-sponsored student newspaper of an article concerning the impact of divorce on students at the school, in which article a student identified by name makes comments criticizing her father as an inattentive parent, where (1) the principal, unaware that the student's name had been deleted from the final version of the article, could reasonably conclude that the father should have been given an opportunity to defend himself as a matter of journalistic fairness, and (2) the newspaper's faculty advisers would not have allowed the article to be printed without deletion of the name of the student who made the comments. (Brennan, Marshall, and Blackmun, JJ., dissented from this holding.)

Constitutional Law § 941 — freedom of expression — school-sponsored newspaper — deletions by principal

6a-6d. A high school principal's decision to excise from a school-sponsored student newspaper two pages containing articles that the principal could reasonably delete as unsuitable for publication, rather than to delete only the offending articles or to require that they be modified, is reasonable under the circumstances as understood by him, and thus does not violate First Amendment rights, where the principal believed, at the time that he reviewed the newspaper's proofs during a telephone conversation with the newspaper's faculty adviser, that there was no time to make any changes in the articles, and that the newspaper had to be printed immediately or not at all, even though the principal did not verify these beliefs, and printing could in fact have been delayed until the changes were made; the principal's decision is reasonable given (1) the very recent replacement of the newspaper's former faculty adviser by a teacher who may not have been entirely familiar with the newspaper's editorial and production procedures, and (2) the pressure felt by the principal to make an immediate decision so that students would not be deprived of the newspaper altogether. (Brennan, Marshall, and Blackmun, JJ., dissented from this holding.)

Constitutional Law § 941 — freedom of speech and expression — public school students

7. Students in the public schools

do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate; such students cannot be punished merely for expressing their personal views on the school premises—whether in the cafeteria, or on the playing field, or on the campus during the authorized hours—unless school authorities have reason to believe that such expression will substantially interfere with the work of the school or impinge upon the rights of other students.

Constitutional Law § 941 — freedom of speech — students in school

8. A school need not tolerate student speech that is inconsistent with its basic educational mission, even though the government could not censor similar speech outside the school. (Brennan, Marshall, and Blackmun, JJ., dissented from this holding.)

Constitutional Law § 941 — freedom of speech — schools — public forum

9. School facilities may be deemed to be public forums, for purposes of First Amendment freedom of speech analysis, only if school authorities have, by policy or by practice, opened those facilities for indiscriminate use by the general public, or by some segment of the public, such as student organizations; if such facilities have instead been reserved for other purposes, communicative or otherwise, then no public forum has been created, and school officials may impose reasonable restrictions on the speech of students, teachers, and other members of the school community. (Brennan, Marshall, and Blackmun, JJ., dissented from this holding.)

Constitutional Law § 934 — freedom of speech — creation of public forum

10. The government does not create a public forum, for purposes of First Amendment freedom of speech analysis, by inaction or by permitting limited discourse, but does so only by intentionally opening a nontraditional forum for public discourse.

Appeal § 1662 — effect of decision on other grounds

11a, 11b. On review of a United States Court of Appeals decision concerning school officials' deletion of students' articles from a school-sponsored newspaper, the United States Supreme Court need not decide whether the Court of Appeals correctly construed the Supreme Court's opinion in Tinker v Des Moines Independent Community School Dist. (1969) 393 US 503, 21 L Ed 2d 731, 89 S Ct 733, as precluding school officials from censoring student speech to avoid invasion of the rights of others except where that speech could result in tort liability to the school, where the Supreme Court holds that the standard articulated in the Tinker opinion for determining when a school may punish student expression need not also be the standard for determining when a school may refuse to lend its name and resources to the dissemination of student expression.

Appeal § 1331.5 — issues reviewable

12a-12d. On review of a United States Court of Appeals decision concerning school officials' deletion of high school students' articles from a school-sponsored newspaper, the United States Supreme Court need not decide (1) whether specific written regulations are required before

106

school officials may censor publications not sponsored by the school that students seek to distribute on school grounds, or (2) what degree of deference to educators' decisions is appropriate with respect to school-sponsored expressive activities at the college and university level.

SYLLABUS BY REPORTER OF DECISIONS

Respondents, former high school students who were staff members of the school's newspaper, filed suit in Federal District Court against petitioners, the school district and school officials, alleging that respondents' First Amendment rights were violated by the deletion from a certain issue of the paper of two pages that included an article describing school students' experiences with pregnancy and another article discussing the impact of divorce on students at the school. The newspaper was written and edited by a journalism class, as part of the school's curriculum. Pursuant to the school's practice, the teacher in charge of the paper submitted page proofs to the school's principal, who objected to the pregnancy story because the pregnant students, although not named, might be identified from the text, and because he believed that the article's references to sexual activity and birth control were inappropriate for some of the younger students. The principal objected to the divorce article because the page proofs he was furnished identified by name (deleted by the teacher from the final version) a student who complained of her father's conduct, and the principal believed that the student's parents should have been given an opportunity to respond to the remarks or to consent to their publication. Believing that there was no time to make necessary changes in the articles if the paper was to be issued before the end of the school year, the principal directed that the pages on which they appeared be withheld from publication even though other, unobjectionable articles were included on such pages. The District Court held that no First Amendment violation had occurred. The Court of Appeals reversed.

Held: Respondents' First Amendment rights were not violated.

(a) First Amendment rights of students in the public schools are not automatically coextensive with the rights of adults in other settings, and must be applied in light of the special characteristics of the school environment. A school need not tolerate student speech that is inconsistent with its basic educational mission, even though the government could not censor similar speech outside the school.

(b) The school newspaper here cannot be characterized as a forum for public expression. School facilities may be deemed to be public forums only if school authorities have by policy or by practice opened the facilities for indiscriminate use by the general public, or by some segment of the public, such as student organizations. If the facilities have instead been reserved for other intended purposes, communicative or otherwise, then no public forum has been created, and school officials may impose reasonable restrictions on the speech of students, teachers, and other members of the school community. The school officials in this case did not deviate from their policy that the newspaper's production was

10-4

to be part of the educational curriculum and a regular classroom activity under the journalism teacher's control as to almost every aspect of publication. The officials did not evince any intent to open the paper's pages to indiscriminate use by its student reporters and editors, or by the student body generally. Accordingly, school officials were entitled to regulate the paper's contents in any reasonable manner.

(c) The standard for determining when a school may punish student expression that happens to occur on school premises is not the standard for determining when a school may refuse to lend its name and resources to the dissemination of student expression. Tinker v Des Moines Independent Community School Dist., 393 US 503, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222, distinguished. Educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns.

(d) The school principal acted reasonably in this case in requiring the deletion of the pregnancy article, the divorce article, and the other articles that were to appear on the same pages of the newspaper.

795 F2d 1368, reversed.

White J., delivered the opinion of the Court, in which Rehnquist, C. J., and Stevens, O'Connor, and Scalia, JJ., joined. Brennan, J., filed a dissenting opinion, in which Marshall and Blackmun, JJ., joined.

APPEARANCES OF COUNSEL

Robert P. Baine, Jr. argued the cause for petitioners.
Leslie D. Edwards argued the cause for respondents.
Briefs of Counsel, p 1064, infra.

OPINION OF THE COURT

[484 US 262]

Justice **White** delivered the opinion of the Court.

[1a, 2a, 3a, 4a, 5a, 6a] This case concerns the extent to which educators may exercise editorial control over the contents of a high school newspaper produced as part of the school's journalism curriculum.

I

Petitioners are the Hazelwood School District in St. Louis County, Missouri; various school officials; Robert Eugene Reynolds, the principal of Hazelwood East High School; and Howard Emerson, a teacher in the school district. Respondents are three former Hazelwood East students who were staff members of Spectrum, the school newspaper. They contend that school officials violated their First Amendment rights by deleting two pages of articles from the May 13, 1983, issue of Spectrum.

Spectrum was written and edited by the Journalism II class at Hazelwood East. The newspaper was published every three weeks or so during the 1982-1983 school year. More than 4,500 copies of the newspaper were distributed during that year to students, school personnel, and members of the community.

The Board of Education allocated funds from its annual budget for the printing of Spectrum. These funds

10-8

were supplemented by proceeds from sales of the newspaper. The printing expenses during the 1982-1983 school year totaled $4,668.50; revenue from sales was $1,166.84. The other costs associated with the newspaper—such as supplies, textbooks,

[484 US 263]

and a portion of the journalism teacher's salary—were borne entirely by the Board.

The Journalism II course was taught by Robert Stergos for most of the 1982-1983 academic year. Stergos left Hazelwood East to take a job in private industry on April 29, 1983, when the May 13 edition of Spectrum was nearing completion, and petitioner Emerson took his place as newspaper adviser for the remaining weeks of the term.

The practice at Hazelwood East during the spring 1983 semester was for the journalism teacher to submit page proofs of each Spectrum issue to Principal Reynolds for his review prior to publication. On May 10, Emerson delivered the proofs of the May 13 edition to Reynolds, who objected to two of the articles scheduled to appear in that edition. One of the stories described three Hazelwood East students' experiences with pregnancy; the other discussed the impact of divorce on students at the school.

Reynolds was concerned that, although the pregnancy story used false names "to keep the identity of these girls a secret," the pregnant students still might be identifiable from the text. He also believed that the article's references to sexual activity and birth control were inappropriate for some of the younger students at the school. In addition, Reynolds was concerned that a student identified by name in the divorce story had complained that her father "wasn't spending enough time with my mom, my sister and I" prior to the divorce, "was always out of town on business or out late playing cards with the guys," and "always argued about everything" with her mother. App to Pet for Cert 38. Reynolds believed that the student's parents should have been given an opportunity to respond to these remarks or to consent to their publication. He was unaware that Emerson had deleted the student's name from the final version of the article.

Reynolds believed that there was no time to make the necessary changes in the stories before the scheduled press run

[484 US 264]

and that the newspaper would not appear before the end of the school year if printing were delayed to any significant extent. He concluded that his only options under the circumstances were to publish a four-page newspaper instead of the planned six-page newspaper, eliminating the two pages on which the offending stories appeared, or to publish no newspaper at all. Accordingly, he directed Emerson to withhold from publication the two pages containing the stories on pregnancy and divorce.[1] He informed his superiors of the decision, and they concurred.

Respondents subsequently commenced this action in the United States District Court for the Eastern District of Missouri seeking a decla-

1. The two pages deleted from the newspaper also contained articles on teenage marriage, runaways, and juvenile delinquents, as well as a general article on teenage pregnancy. Reynolds testified that he had no objection to these articles and that they were deleted only because they appeared on the same pages as the two objectionable articles.

10-9

ration that their First Amendment rights had been violated, injunctive relief, and monetary damages. After a bench trial, the District Court denied an injunction, holding that no First Amendment violation had occurred. 607 F Supp 1450 (1985).

The District Court concluded that school officials may impose restraints on students' speech in activities that are " 'an integral part of the school's educational function' "—including the publication of a school-sponsored newspaper by a journalism class—so long as their decision has " 'a substantial and reasonable basis.' " Id., at 1466 (quoting Frasca v Andrews, 463 F Supp 1043, 1052 (ED NY 1979)). The court found that Principal Reynolds' concern that the pregnant students' anonymity would be lost and their privacy invaded was "legitimate and reasonable," given "the small number of pregnant students at Hazelwood East and several identifying characteristics that were disclosed in the article." 607 F Supp, at 1466. The court held that Reynolds' action was also justified "to avoid the impression that [the school] endorses

[484 US 265]

the sexual norms of the subjects" and to shield younger students from exposure to unsuitable material. Ibid. The deletion of the article on divorce was seen by the court as a reasonable response to the invasion of privacy concerns raised by the named student's remarks. Because the article did not indicate that the student's parents had been offered an opportunity to respond to her allegations, said the court, there was cause for "serious doubt that the article complied with the rules of fairness which are standard in the field of journalism and which were covered in the textbook used in the Journalism II class." Id., at 1467. Furthermore, the court concluded that Reynolds was justified in deleting two full pages of the newspaper, instead of deleting only the pregnancy and divorce stories or requiring that those stories be modified to address his concerns, based on his "reasonable belief that he had to make an immediate decision and that there was no time to make modifications to the articles in question." Id., at 1466.

The Court of Appeals for the Eighth Circuit reversed. 795 F2d 1368 (1986). The court held at the outset that Spectrum was not only "a part of the school adopted curriculum," id., at 1373, but also a public forum, because the newspaper was "intended to be and operated as a conduit for student viewpoint." Id., at 1372. The court then concluded that Spectrum's status as a public forum precluded school officials from censoring its contents except when " 'necessary to avoid material and substantial interference with school work or discipline . . . or the rights of others.' " Id., at 1374 (quoting Tinker v Des Moines Independent Community School Dist., 393 US 503, 511, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222 (1969)).

The Court of Appeals found "no evidence in the record that the principal could have reasonably forecast that the censored articles or any materials in the censored articles would have materially disrupted classwork or given rise to substantial disorder in the school." 795 F2d, at 1375. School officials were entitled to censor the articles on the ground that

[484 US 266]

they invaded the rights of others, according to the court, only if publication of the articles could have resulted in tort liability to the

school. The court concluded that no tort action for libel or invasion of privacy could have been maintained against the school by the subjects of the two articles or by their families. Accordingly, the court held that school officials had violated respondents' First Amendment rights by deleting the two pages of the newspaper.

We granted certiorari, 479 US 1053, 93 L Ed 2d 978, 107 S Ct 926 (1987), and we now reverse.

II

[7] Students in the public schools do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Tinker, supra, at 506, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222. They cannot be punished merely for expressing their personal views on the school premises—whether "in the cafeteria, or on the playing field, or on the campus during the authorized hours," 393 US, at 512-513, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222—unless school authorities have reason to believe that such expression will "substantially interfere with the work of the school or impinge upon the rights of other students." Id., at 509, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222.

[8] We have nonetheless recognized that the First Amendment rights of students in the public schools "are not automatically coextensive with the rights of adults in other settings," Bethel School District No. 403 v Fraser, 478 US 675, 682, 92 L Ed 2d 549, 106 S Ct 3159 (1986), and must be "applied in light of the special characteristics of the school environment." Tinker, supra, at 506, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222; cf. New Jersey v T. L. O., 469 US 325, 341-343, 83 L Ed 2d 720, 105 S Ct 733 (1985). A school need not tolerate student speech that is inconsistent with its "basic educational mission," Fraser, supra, at 685, 92 L Ed 2d 549, 106 S Ct 3159, even though the government could not censor similar speech outside the school. Accordingly, we held in Fraser that a student could be disciplined for having delivered a speech that was "sexually explicit" but not legally obscene at an official school assembly, because the school was entitled to "disassociate itself" from the speech in a manner

[484 US 267]

that would demonstrate to others that such vulgarity is "wholly inconsistent with the 'fundamental values' of public school education." 478 US, at 685-686, 92 L Ed 2d 549, 106 S Ct 3159. We thus recognized that "[t]he determiniation of what manner of speech in the classroom or in school assembly is inappropriate properly rests with the school board," id., at 683, 92 L Ed 2d 549, 106 S Ct 3159, rather than with the federal courts. It is in this context that respondents' First Amendment claims must be considered.

A

[1b, 9, 10] We deal first with the question whether Spectrum may appropriately be characterized as a forum for public expression. The public schools do not possess all of the attributes of streets, parks, and other traditional public forums that "time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions." Hague v CIO, 307 US 496, 515, 83 L Ed 1423, 59 S Ct 954 (1939). Cf. Widmar v Vincent, 454 US 263, 267-

268, n 5, 70 L Ed 2d 440, 102 S Ct 269 (1981). Hence, school facilities may be deemed to be public forums only if school authorities have "by policy or by practice" opened those facilities "for indiscriminate use by the general public," Perry Education Assn. v Perry Local Educators' Assn., 460 US 37, 47, 74 L Ed 2d 794, 103 S Ct 948 (1983), or by some segment of the public, such as student organizations. Id., at 46, n 7, 74 L Ed 2d 794, 103 S Ct 948 (citing Widmar v Vincent). If the facilities have instead been reserved for other intended purposes, "communicative or otherwise," then no public forum has been created, and school officials may impose reasonable restrictions on the speech of students, teachers, and other members of the school community. 460 US, at 46, n 7, 74 L Ed 2d 794, 103 S Ct 948. "The government does not create a public forum by inaction or by permitting limited discourse, but only by intentionally opening a nontraditional forum for public discourse. Cornelius v NAACP Legal Defense & Educational Fund, Inc., 473 US 788, 802, 87 L Ed 2d 567, 105 S Ct 3439 (1985).

[484 US 268]

[1c] The policy of school officials toward Spectrum was reflected in Hazelwood School Board Policy 348.51 and the Hazelwood East Curriculum Guide. Board Policy 348.51 provided that "[s]chool sponsored publications are developed within the adopted curriculum and its educational implications in regular classroom activities." App 22. The Hazelwood East Curriculum Guide described the Journalism II course as a "laboratory situation in which the students publish the school newspaper applying skills they have learned in Journalism I." Id., at 11. The lessons that were to be learned from the Journalism II course, according to the Curriculum Guide, included development of journalistic skills under deadline pressure, "the legal, moral, and ethical restrictions imposed upon journalists within the school community," and "responsibility and acceptance of criticism for articles of opinion." Ibid. Journalism II was taught by a faculty member during regular class hours. Students received grades and academic credit for their performance in the course.

School officials did not deviate in practice from their policy that production of Spectrum was to be part of the educational curriculum and a "regular classroom activit[y]." The District Court found that Robert Stergos, the journalism teacher during most of the 1982-1983 school year, "both had the authority to exercise and in fact exercised a great deal of control over Spectrum." 607 F Supp, at 1453. For example, Stergos selected the editors of the newspaper, scheduled publication dates, decided the number of pages for each issue, assigned story ideas to class members, advised students on the development of their stories, reviewed the use of quotations, edited stories, selected and edited the letters to the editor, and dealt with the printing company. Many of these decisions were made without consultation with the Journalism II students. The District Court thus found it "clear that Mr. Stergos was the final authority with respect to almost every aspect of the production and publication of Spectrum, including its content." Ibid. Moreover, after

[484 US 269]

each Spectrum issue had been finally approved by Stergos or his successor, the issue still had to be reviewed by Principal Reynolds prior to publication. Respondents' assertion that they had believed that

10-12

they could publish "practically anything" in Spectrum was therefore dismissed by the District Court as simply "not credible." Id., at 1456. These factual findings are amply supported by the record, and were not rejected as clearly erroneous by the Court of Appeals.

The evidence relied upon by the Court of Appeals in finding Spectrum to be a public forum, see 795 F2d, at 1372-1373, is equivocal at best. For example, Board Policy 348.51, which stated in part that "[s]chool sponsored student publications will not restrict free expression or diverse viewpoints within the rules of responsible journalism," also stated that such publications were "developed within the adopted curriculum and its educational implications." App 22. One might reasonably infer from the full text of Policy 348.51 that school officials retained ultimate control over what constituted "responsible journalism" in a school-sponsored newspaper. Although the Statement of Policy published in the September 14, 1982, issue of Spectrum declared that "Spectrum, as a student-press publication, accepts all rights implied by the First Amendment," this statement, understood in the context of the paper's role in the school's curriculum, suggests at most that the administration will not interfere with the students' exercise of those First Amendment rights that attend the publication of a school-sponsored newspaper. It does not reflect an intent to expand those rights by converting a curricular newspaper into a public forum.[2] Finally,

[484 US 270]

that students were permitted to exercise some authority over the contents of Spectrum was fully consistent with the Curriculum Guide objective of teaching the Journalism II students "leadership responsibilities as issue and page editors." App 11. A decision to teach leadership skills in the context of a classroom activity hardly implies a decision to relinquish school control over that activity. In sum, the evidence relied upon by the Court of Appeals fails to demonstrate the "clear intent to create a public forum," Cornelius, 473 US, at 802, 87 L Ed 2d 567, 105 S Ct 3439, that existed in cases in which we found public forums to have been created. See id., at 802-803, 87 L Ed 2d 567, 105 S Ct 3439 (citing Widmar v Vincent, 454 US, at 267, 70 L Ed 2d 440, 102 S Ct 269; Madison School District v Wisconsin Employment Relations Comm'n, 429 US 167, 174, n 6, 50 L Ed 2d 376, 97 S Ct 421 (1976); Southeastern Promotions, Ltd. v Conrad, 420 US 546, 555, 43 L Ed 2d 448, 95 S Ct 1239 (1975)). School officials did not evince either "by policy or by practice," Perry Education Assn., 460 US, at 47, 74 L Ed 2d 794, 103 S Ct 948,

2. The Statement also cited Tinker v Des Moines Independent Community School Dist., 398 US 503, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222 (1969), for the proposition that "[o]nly speech that 'materially and substantially interferes with the requirements of appropriate discipline' can be found unacceptable and therefore be prohibited." App 26. This portion of the Statement does not, of course, even accurately reflect our holding in Tinker. Furthermore, the Statement nowhere expressly extended the Tinker standard to the news and feature articles contained in a school-sponsored newspaper. The dissent apparently finds as a fact that the Statement was published annually in Spectrum; however, the District Court was unable to conclude that the Statement appeared on more than one occasion. In any event, even if the Statement says what the dissent believes that it says, the evidence that school officials never intended to designate Spectrum as a public forum remains overwhelming.

10-13

any intent to open the pages of Spectrum to "indiscriminate use," ibid., by its student reporters and editors, or by the student body generally. Instead, they "reserve[d] the forum for its intended purpos[e]," id., at 46, 74 L Ed 2d 794, 103 S Ct 948, as a supervised learning experience for journalism students. Accordingly, school officials were entitled to regulate the contents of Spectrum in any reasonable manner. Ibid. It is this standard, rather than our decision in Tinker, that governs this case.

B

[2b] The question whether the First Amendment requires a school to tolerate particular student speech —the question that we addressed in Tinker—is different from the question whether the First Amendment requires a school affirmatively

[484 US 271]

to promote particular student speech. The former question addresses educators' ability to silence a student's personal expression that happens to occur on the school premises. The latter question concerns educators' authority over school-sponsored publications, theatrical productions, and other expressive activities that students, parents, and members of the public might reasonably perceive to bear the imprimatur of the school. These activities may fairly be characterized as part of the school curriculum, whether or not they occur in a traditional classroom setting, so long as they are supervised by faculty members and designed to impart particular knowledge or skills to student participants and audiences.[3]

[2c, 3b] Educators are entitled to exercise greater control over this second form of student expression to assure that participants learn whatever lessons the activity is designed to teach, that readers or listeners are not exposed to material that may be inappropriate for their level of maturity, and that the views of the individual speaker are not erroneously attributed to the school. Hence, a school may in its capacity as publisher of a school newspaper or producer of a school play "disassociate itself," Fraser, 478 US, at 685, 92 L Ed 2d 549, 106 S Ct 3159, not only from speech that would "substantially interfere with [its] work . . . or impinge upon the rights of other students," Tinker, 393 US, at 509, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222, but also from speech that is, for example, ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences.[4] A school must

3. The distinction that we draw between speech that is sponsored by the school and speech that is not is fully consistent with Papish v University of Missouri Board of Curators, 410 US 667, 35 L Ed 2d 618, 93 S Ct 1197 (1973) (per curiam), which involved an off-campus "underground" newspaper that school officials merely had allowed to be sold on a state university campus.

4. The dissent perceives no difference between the First Amendment analysis applied in Tinker and that applied in Fraser. We disagree. The decision in Fraser rested on the "vulgar," "lewd," and "plainly offensive" character of a speech delivered at an official school assembly rather than on any propensity of the speech to "materially disrup[t] classwork or involv[e] substantial disorder or invasion of the rights of others." 393 US, at 513, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222. Indeed, the Fraser Court cited as "especially relevant" a portion of Justice Black's dissenting opinion in Tinker "'disclaim[ing] any purpose . . . to hold that the Federal Constitution compels the teachers, parents, and elected school officials to surrender control of the American public school system to public school students.'" 478 US, at 686, 92 L Ed 2d 549, 106 S Ct 3159 (quoting 393 US, at 526, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222). Of course, Justice Black's observations are equally relevant to the instant case.

10-14

be able to set high standards for
[484 US 272]
the student speech that is disseminated under its auspices—standards that may be higher than those demanded by some newspaper publishers or theatrical producers in the "real" world—and may refuse to disseminate student speech that does not meet those standards. In addition, a school must be able to take into account the emotional maturity of the intended audience in determining whether to disseminate student speech on potentially sensitive topics, which might range from the existence of Santa Claus in an elementary school setting to the particulars of teenage sexual activity in a high school setting. A school must also retain the authority to refuse to sponsor student speech that might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with "the shared values of a civilized social order," Fraser, supra, at 683, 92 L Ed 2d 549, 106 S Ct 3159, or to associate the school with any position other than neutrality on matters of political controversy. Otherwise, the schools would be unduly constrained from fulfilling their role as "a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment." Brown v Board of Education, 347 US 483, 493, 98 L Ed 873, 74 S Ct 686, 53 Ohio Ops 326, 38 ALR2d 1180 (1954).

[2d, 3c, 11a, 12a] Accordingly, we conclude that the standard articulated in Tinker for determining when a school may punish student expression need not also be the standard for determining when a school may refuse to lend its name and resources to the dissemination
[484 US 273]
of student expression.[5] Instead, we hold that educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns.[6]

[3e, 12c] This standard is consistent with our oft-expressed view that the education of the Nation's youth is primarily the responsibility of parents, teachers, and state and local school officials, and not of federal judges. See, e.g., Board of Education of Hendrick Hudson Central School Dist. v Rowley, 458 US 176, 208, 73 L Ed 2d 690, 102 S Ct 3034 (1982); Wood v Strickland, 420 US 308, 326, 43 L Ed 2d 214, 95 S Ct 992 (1975);

5. **[11b]** We therefore need not decide whether the Court of Appeals correctly construed Tinker as precluding school officials from censoring student speech to avoid "invasion of the rights of others," 393 US, at 513, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222, except where that speech could result in tort liability to the school.

6. **[3d, 12b]** We reject respondents' suggestion that school officials be permitted to exercise prepublication control over school-sponsored publications only pursuant to specific written regulations. To require such regulations in the context of a curricular activity could unduly constrain the ability of educators to educate. We need not now decide whether such regulations are required before school officials may censor publications not sponsored by the school that students seek to distribute on school grounds. See Baughman v Freienmuth, 478 F2d 1345 (CA4 1973); Shanley v Northwest Independent School Dist., Bexar Cty., Tex. 462 F2d 960 (CA5 1972); Eisner v Stamford Board of Education, 440 F2d 803 (CA2 1971).

10-15

Epperson v Arkansas, 393 US 97, 104, 21 L Ed 2d 228, 89 S Ct 266 (1968). It is only when the decision to censor a school-sponsored publication, theatrical production, or other vehicle of student expression has no valid educational purpose that the First Amendment is so "directly and sharply implicate[d]," ibid., as to require judicial intervention to protect students' constitutional rights.[7]

[484 US 274]

III

[4b, 5b, 6b] We also conclude that Principal Reynolds acted reasonably in requiring the deletion from the May 13 issue of Spectrum of the pregnancy article, the divorce article, and the remaining articles that were to appear on the same pages of the newspaper.

[4c] The initial paragraph of the pregnancy article declared that "[a]ll names have been changed to keep the identity of these girls a secret." The principal concluded that the students' anonymity was not adequately protected, however, given the other identifying information in the article and the small number of pregnant students at the school. Indeed, a teacher at the school credibly testified that she could positively identify at least one of the girls and possibly all three. It is likely that many students at Hazelwood East would have been at least as successful in identifying the girls. Reynolds therefore could reasonably have feared that the article violated whatever pledge of anonymity had been given to the pregnant students. In addition, he could reasonably have been concerned that the article was not sufficiently sensitive to the privacy interests of the students' boyfriends and parents, who were discussed in the article but who were given no opportunity to consent to its publication or to offer a response. The article did not contain graphic accounts of sexual activity. The girls did comment in the article, however, concerning their sexual histories and their use or nonuse of birth control. It was not unreasonable for the principal to have concluded that such frank talk was inappropriate in a school-sponsored publication distributed to 14-year-old freshmen

[484 US 275]

and presumably taken home to be read by students' even younger brothers and sisters.

[5c] The student who was quoted by name in the version of the divorce article seen by Principal Reynolds made comments sharply critical of her father. The principal could reasonably have concluded that an individual publicly identified as an inattentive parent—indeed, as one who chose "playing cards with the guys" over home and family—was entitled to an opportunity to defend himself as a matter of journalistic fairness. These concerns were shared by both of Spectrum's faculty advisers for the 1982-1983 school year, who testified that they would not have allowed the article to be

7. **[12d]** A number of lower federal courts have similarly recognized that educators' decisions with regard to the content of school-sponsored newspapers, dramatic productions, and other expressive activities are entitled to substantial deference. See, e.g., Nicholson v Board of Education, Torrance Unified School Dist., 682 F2d 858 (CA9 1982); Seyfried v Walton, 668 F2d 214 (CA3 1981); Trachtman v Anker, 563 F2d 512 (CA2 1977), cert denied, 435 US 925, 55 L Ed 2d 519, 98 S Ct 1491 (1978); Frasca v Andrews, 463 F Supp 1043 (ED NY 1979). We need not now decide whether the same degree of deference is appropriate with respect to school-sponsored expressive activities at the college and university level.

10-16

printed without deletion of the student's named.[8]

[6c] Principal Reynolds testified credibly at trial that, at the time that he reviewed the proofs of the May 13 issue during an extended telephone conversation with Emerson, he believed that there was no time to make any changes in the articles, and that the newspaper had to be printed immediately or not at all. It is true that Reynolds did not verify whether the necessary modifications could still have been made in the articles, and that Emerson did not volunteer the information that printing could be delayed until the changes were made. We nonetheless agree with the District Court that the decision to excise the two pages containing the problematic articles was reasonable given the particular circumstances of this case. These circumstances included the very recent

[484 US 276]

replacement of Stergos by Emerson, who may not have been entirely familiar with Spectrum editorial and production procedures, and the pressure felt by Reynolds to make an immediate decision so that students would not be deprived of the newspaper altogether.

[4d, 5d, 6d] In sum, we cannot reject as unreasonable Principal Reynolds' conclusion that neither the pregnancy article nor the divorce article was suitable for publication in Spectrum. Reynolds could reasonably have concluded that the students who had written and edited these articles had not sufficiently mastered those portions of the Journalism II curriculum that pertained to the treatment of controversial issues and personal attacks, the need to protect the privacy of individuals whose most intimate concerns are to be revealed in the newspaper, and "the legal, moral, and ethical restrictions imposed upon journalists within [a] school community" that includes adolescent subjects and readers. Finally, we conclude that the principal's decision to delete two pages of Spectrum, rather than to delete only the offending articles or to require that they be modified, was reasonable under the circumstances as he understood them. Accordingly, no violation of First Amendment rights occurred.[9]

The judgment of the Court of Appeals for the Eighth Circuit is therefore reversed.

8. The reasonableness of Principal Reynolds' concerns about the two articles was further substantiated by the trial testimony of Martin Duggan, a former editorial page editor of the St. Louis Globe Democrat and a former college journalism instructor and newspaper adviser. Duggan testified that the divorce story did not meet journalistic standards of fairness and balance because the father was not given an opportunity to respond, and that the pregnancy story was not appropriate for publication in a high school newspaper because it was unduly intrusive into the privacy of the girls, their parents, and their boyfriends. The District Court found Duggan to be "an objective and independent witness" whose testimony was entitled to significant weight. 607 F Supp 1450, 1461 (ED Mo 1985).

9. It is likely that the approach urged by the dissent would as a practical matter have far more deleterious consequences for the student press than does the approach that we adopt today. The dissent correctly acknowledges "[t]he State's prerogative to dissolve the student newspaper entirely." Post, at 287, 98 L Ed 2d, at 615. It is likely that many public schools would do just that rather than open their newspapers to all student expression that does not threaten "materia[l] disrup[tion of] classwork" or violation of "rights that are protected by law," post, at 289, 98 L Ed 2d, at 617, regardless of how sexually explicit, racially intemperate, or personally insulting that expression otherwise might be.

10-17

SEPARATE OPINION

[484 US 277]

Justice **Brennan,** with whom Justice **Marshall** and Justice **Blackmun** join, dissenting.

When the young men and women of Hazelwood East High School registered for Journalism II, they expected a civics lesson. Spectrum, the newspaper they were to publish, "was not just a class exercise in which students learned to prepare papers and hone writing skills, it was a . . . forum established to give students an opportunity to express their views while gaining an appreciation of their rights and responsibilities under the First Amendment to the United States Constitution. . . ." 795 F2d 1368, 1373 (CA8 1986). "[A]t the beginning of each school year," id., at 1372, the student journalists published a Statement of Policy—tacitly approved each year by school authorities—announcing their expectation that "Spectrum, as a student-press publication, accepts all rights implied by the First Amendment. . . . Only speech that 'materially and substantially interferes with the requirements of appropriate discipline' can be found unacceptable and therefore prohibited." App 26 (quoting Tinker v Des Moines Independent Community School Dist., 393 US 503, 513, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222 (1969)).[1] The school board itself affirmatively guaranteed the students of Journalism II an atmosphere conducive to fostering such an appreciation and exercising the full panoply of rights associated with a free student press. "School sponsored student publications," it vowed, "will not restrict free expression or diverse viewpoints within the rules of responsible journalism." App 22 (Board Policy § 348.51).

[484 US 278]

This case arose when the Hazelwood East administration breached its own promise, dashing its students' expectations. The school principal, without prior consultation or explanation, excised six articles—comprising two full pages—of the May 13, 1983, issue of Spectrum. He did so not because any of the articles would "materially and substantially interfere with the requirements of appropriate discipline," but simply because he considered two of the six "inappropriate, personal, sensitive, and unsuitable" for student consumption. 795 F2d, at 1371.

In my view the principal broke more than just a promise. He violated the First Amendment's prohibitions against censorship of any student expression that neither disrupts classwork nor invades the rights of others, and against any censorship that is not narrowly tailored to serve its purpose.

I

Public education serves vital national interests in preparing the Nation's youth for life in our increasingly complex society and for the duties of citizenship in our demo-

1. The Court suggests that the passage quoted in the text did not "exten[d] the Tinker standard to the news and feature articles contained in a school-sponsored newspaper" because the passage did not expressly mention them. Ante, at 269, n 2, 98 L Ed 2d, at 604. It is hard to imagine why the Court (or anyone else) might expect a passage that applies categorically to "a student-press publication," composed almost exclusively of "news and feature articles," to mention those categories expressly. Understandably, neither court below so limited the passage.

10-18

cratic Republic. See Brown v Board of Education, 347 US 483, 493, 98 L Ed 2d 873, 74 S Ct 686, 53 Ohio Ops 326, 38 ALR2d 1180 (1954). The public school conveys to our young the information and tools required not merely to survive in, but to contribute to, civilized society. It also inculcates in tomorrow's leaders the "fundamental values necessary to the maintenance of a democratic political system. . . ." Ambach v Norwick, 441 US 68, 77, 60 L Ed 2d 49, 99 S Ct 1589 (1979). All the while, the public educator nurtures students' social and moral development by transmitting to them an official dogma of "'community values.'" Board of Education v Pico, 457 US 853, 864, 73 L Ed 2d 435, 102 S Ct 2799 (1982) (plurality opinion) (citation omitted).

The public educator's task is weighty and delicate indeed. It demands particularized and supremely subjective choices among diverse curricula, moral values, and political stances to teach or inculcate in students, and among various methodologies for doing so. Accordingly, we have traditionally reserved

[484 US 279]

the "daily operation of school systems" to the States and their local school boards. Epperson v Arkansas, 393 US 97, 104, 21 L Ed 2d 228, 89 S Ct 266 (1968); see Board of Education v Pico, supra, at 863-864, 73 L Ed 2d 435, 102 S Ct 2799. We have not, however, hesitated to intervene where their decisions run afoul of the Constitution. See e.g., Edwards v Aguillard, 482 US 578, 96 L Ed 2d 510, 107 S Ct 2573 (1987) (striking state statute that forbade teaching of evolution in public school unless accompanied by instruction on theory of "creation science"); Board of Education v Pico, supra (school board may not remove books from library shelves merely because it disapproves of ideas they express); Epperson v Arkansas, supra (striking state-law prohibition against teaching Darwinian theory of evolution in public school); West Virginia Board of Education v Barnette, 319 US 624, 87 L Ed 1628, 63 S Ct 1178, 147 ALR 674 (1943) (public school may not compel student to salute flag); Meyer v Nebraska, 262 US 390, 67 L Ed 1042, 43 S Ct 625, 29 ALR 1446 (1923) (state law prohibiting the teaching of foreign languages in public or private schools is unconstitutional).

Free student expression undoubtedly sometimes interferes with the effectiveness of the school's pedagogical functions. Some brands of student expression do so by directly preventing the school from pursuing its pedagogical mission: The young polemic who stands on a soapbox during calculus class to deliver an eloquent political diatribe interferes with the legitimate teaching of calculus. And the student who delivers a lewd endorsement of a student-government candidate might so extremely distract an impressionable high school audience as to interfere with the orderly operation of the school. See Bethel School Dist. No. 403 v Fraser, 478 US 675, 92 L Ed 2d 549, 106 S Ct 3159 (1986). Other student speech, however, frustrates the school's legitimate pedagogical purposes merely by expressing a message that conflicts with the school's, without directly interfering with the school's expression of its message: A student who responds to a political science teacher's question with the retort, "socialism is good," subverts the school's inculcation of the message that capitalism is better

10-19

[484 US 280]

Even the maverick who sits in class passively sporting a symbol of protest against a government policy, cf. Tinker v Des Moines Independent Community School Dist., 393 US 503, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222 (1969), or the gossip who sits in the student commons swapping stories of sexual escapade could readily muddle a clear official message condoning the government policy or condemning teenage sex. Likewise, the student newspaper that, like Spectrum, conveys a moral position at odds with the school's official stance might subvert the administration's legitimate inculcation of its own perception of community values.

If mere incompatibility with the school's pedagogical message were a constitutionally sufficient justification for the suppression of student speech, school officials could censor each of the students or student organizations in the foregoing hypotheticals, converting our public schools into "enclaves of totalitarianism," id., at 511, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222, that "strangle the free mind at its source," West Virginia State Board of Education v Barnette, supra, at 637, 87 L Ed 1628, 63 S Ct 1178, 147 ALR 674. The First Amendment permits no such blanket censorship authority. While the "constitutional rights of students in public school are not automatically coextensive with the rights of adults in other settings," Fraser, supra, at 682, 92 L Ed 2d 549, 106 S Ct 3159, students in the public schools do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate," Tinker, supra, at 506, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222. Just as the public on the street corner must, in the interest of fostering "enlightened opinion," Cantwell v Connecticut, 310 US 296, 310, 84 L Ed 1213, 60 S Ct 900, 128 ALR 1352 (1940), tolerate speech that "tempt[s] [the listener] to throw [the speaker] off the street," id., at 309, 84 L Ed 1213, 60 S Ct 900, 128 ALR 1352, public educators must accommodate some student expression even if it offends them or offers views or values that contradict those the school wishes to inculcate.

In Tinker, this Court struck the balance. We held that official censorship of student expression—there the suspension of several students until they removed their armbands protesting the Vietnam war—is unconstitutional unless the

[484 US 281]

speech "materially disrupts classwork or involves substantial disorder or invasion of the rights of others. . . ." 393 US, at 513, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222. School officials may not suppress "silent, passive expression of opinion, unaccompanied by any disorder or disturbance on the part of" the speaker. Id., at 508, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222. The "mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint," id., at 509, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222, or an unsavory subject, Fraser, supra, at 688-689, 92 L Ed 2d 549, 106 S Ct 3159 (Brennan, J., concurring in judgment), does not justify official suppression of student speech in the high school.

This Court applied the Tinker test just a Term ago in Fraser, supra, upholding an official decision to discipline a student for delivering a lewd speech in support of a student-government candidate. The Court today casts no doubt on Tinker's

vitality. Instead it erects a taxonomy of school censorship, concluding that Tinker applies to one category and not another. On the one hand is censorship "to silence a student's personal expression that happens to occur on the school premises." Ante, at 271, 98 L Ed 2d, at 605. On the other hand is censorship of expression that arises in the context of "school-sponsored . . . expressive activities that students, parents, and members of the public might reasonably perceive to bear the imprimatur of the school." Ibid.

The Court does not, for it cannot, purport to discern from our precedents the distinction it creates. One could, I suppose, readily characterize the students' symbolic speech in Tinker as "personal expression that happens to [have] occur[red] on school premises," although Tinker did not even hint that the personal nature of the speech was of any (much less dispositive) relevance. But that same description could not by any stretch of the imagination fit Fraser's speech. He did not just "happen" to deliver his lewd speech to an ad hoc gathering on the playground. As the second paragraph of Fraser evinces, if ever a forum for student expression was "school-sponsored," Fraser's was:

[484 US 282]

"Fraser . . . delivered a speech nominating a fellow student for student elective office. Approximately 600 high school students . . . attended the assembly. Students were required to attend the assembly or to report to the study hall. The assembly was part of a *school-sponsored* educational program in self-government. Fraser, 478 US, at 677, 92 L Ed 2d 549, 106 S Ct 3159 (emphasis added).

Yet, from the first sentence of its analysis, see id., at 680, 92 L Ed 2d 549, 106 S Ct 3159, Fraser faithfully applied Tinker.

Nor has this Court ever intimated a distinction between personal and school-sponsored speech in any other context. Particularly telling is this Court's heavy reliance on Tinker in two cases of First Amendment infringement on state college campuses. See Papish v University of Missouri Board of Curators, 410 US 667, 671, n 6, 35 L Ed 2d 618, 93 S Ct 1197 (1973) (per curiam); Healy v James, 408 US 169, 180, 189, and n 18, 191, 33 L Ed 2d 266, 92 S Ct 2338 (1972). One involved the expulsion of a student for lewd expression in a newspaper that she sold on campus pursuant to university authorization, see Papish, supra, at 667-668, 35 L Ed 2d 618, 93 S Ct 1197, and the other involved the denial of university recognition and concomitant benefits to a political student organization, see Healy, supra, at 174, 176, 181-182, 33 L Ed 2d 266, 92 S Ct 2338. Tracking Tinker's analysis, the Court found each act of suppression unconstitutional. In neither case did this Court suggest the distinction, which the Court today finds dispositive, between school-sponsored and incidental student expression.

II

Even if we were writing on a clean slate, I would reject the Court's rationale for abandoning Tinker in this case. The Court offers no more than an obscure tangle of three excuses to afford educators "greater control" over school-sponsored speech than the Tinker test would permit: the public educator's prerogative to control curriculum; the pe-

18-21

dagogical interest in shielding the high school audience from objectionable viewpoints and sensitive topics; and the school's need

[484 US 283]

to dissociate itself from student expression. Ante, at 271, 98 L Ed 2d, at 605. None of the excuses, once disentangled, supports the distinction that the Court draws. Tinker fully addresses the first concern; the second is illegitimate; and the third is readily achievable through less oppressive means.

A

The Court is certainly correct that the First Amendment permits educators "to assure that participants learn whatever lessons the activity is designed to teach. . . ." Ante, at 271, 98 L Ed 2d, at 605. That is, however, the essence of the Tinker test, not an excuse to abandon it. Under Tinker, school officials may censor only such student speech as would "materially disrup[t]" a legitimate curricular function. Manifestly, student speech is more likely to disrupt a curricular function when it arises in the context of a curricular activity—one that "is designed to teach" something—than when it arises in the context of a noncurricular activity. Thus, under Tinker, the school may constitutionally punish the budding political orator if he disrupts calculus class but not if he holds his tongue for the cafeteria. See Consolidated Edison Co. v Public Service Comm'n, 447 US 530, 544-545, 65 L Ed 2d 319, 100 S Ct 2326 (1980) (Stevens, J., concurring in judgment). That is not because some more stringent standard applies in the curricular context. (After all, this Court applied the same standard whether the students in Tinker wore their armbands to the "classroom" or the "cafeteria." 393 US, at 512, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222.) It is because student speech in the noncurricular context is less likely to disrupt materially any legitimate pedagogical purpose.

I fully agree with the Court that the First Amendment should afford an educator the prerogative not to sponsor the publication of a newspaper article that is "ungrammatical, poorly written, inadequately researched, biased or prejudiced," or that falls short of the "high standards for . . . student speech that is disseminated under [the school's] auspices. . . ." Ante, at 271-272, 98 L Ed 2d, at 605-606. But we need not abandon Tinker

[484 US 284]

to reach that conclusion; we need only apply it. The enumerated criteria reflect the skills that the curricular newspaper "is designed to teach." The educator may, under Tinker, constitutionally "censor" poor grammar, writing, or research because to reward such expression would "materially disrup[t]" the newspaper's curricular purpose.

The same cannot be said of official censorship designed to shield the *audience* or dissociate the *sponsor* from the expression. Censorship so motivated might well serve (although, as I demonstrate infra, at 285-289, 98 L Ed 2d, at 614-617, cannot legitimately serve) some other school purpose. But it in no way furthers the curricular purposes of a student *newspaper,* unless one believes that the purpose of the school newspaper is to teach students that the press ought never report bad news, express unpopular views, or print a thought that might upset its sponsors. Unsurprisingly, Hazelwood East claims no such pedagogical purpose.

10-22

The Court relies on bits of testimony to portray the principal's conduct as a pedagogical lesson to Journalism II students who "had not sufficiently mastered those portions of the . . . curriculum that pertained to the treatment of controversial issues and personal attacks, the need to protect the privacy of individuals . . ., and 'the legal, moral, and ethical restrictions imposed upon journalists. . . .' " Ante, at 276, 98 L Ed 2d, at 608. In that regard, the Court attempts to justify censorship of the article on teenage pregnancy on the basis of the principal's judgment that (1) "the [pregnant] students' anonymity was not adequately protected," despite the article's use of aliases; and (2) the judgment that "the article was not sufficiently sensitive to the privacy interests of the students' boyfriends and parents. . . ." Ante, at 274, 98 L Ed 2d, at 607. Similarly, the Court finds in the principal's decision to censor the divorce article a journalistic lesson that the author should have given the father of one student an "opportunity to defend himself" against her charge that (in the Court's words) he "chose

[484 US 285]

'playing cards with the guys' over home and family. . . ." Ante, at 275, 98 L Ed 2d, at 607.

But the principal never consulted the students before censoring their work. "[T]hey learned of the deletions when the paper was released. . . ." 795 F2d, at 1371. Further, he explained the deletions only in the broadest of generalities. In one meeting called at the behest of seven protesting Spectrum staff members (presumably a fraction of the full class), he characterized the articles as " 'too sensitive' for 'our immature audience of readers,' " 607 F Supp 1450, 1459 (ED Mo 1985), and in a later meeting he deemed them simply "inappropriate, personal, sensitive and unsuitable for the newspaper," ibid. The Court's supposition that the principal intended (or the protesters understood) those generalities as a lesson on the nuances of journalistic responsibility is utterly incredible. If he did, a fact that neither the District Court nor the Court of Appeals found, the lesson was lost on all but the psychic Spectrum staffer.

B

The Court's second excuse for deviating from precedent is the school's interest in shielding an impressionable high school audience from material whose substance is "unsuitable for immature audiences." Ante, at 271, 98 L Ed 2d, at 605 (footnote omitted). Specifically, the majority decrees that we must afford educators authority to shield high school students from exposure to "potentially sensitive topics" (like "the particulars of teenage sexual activity") or unacceptable social viewpoints (like the advocacy of "irresponsible se[x] or conduct otherwise inconsistent with 'the shared values of a civilized social order' ") through school-sponsored student activities. Ante, at 272, 98 L Ed 2d, at 606 (citation omitted).

Tinker teaches us that the state educator's undeniable, and undeniably vital, mandate to inculcate moral and political values is not a general warrant to act as "thought police" stifling discussion of all but state-approved topics and advocacy of all

[484 US 286]

but the official position. See also Epperson v Arkansas, 393 US 97, 21 L Ed 2d 228, 89 S Ct 266 (1968); Meyer v Nebraska, 262 US 390,

10-23

67 L Ed 1042, 43 S Ct 625, 29 ALR 1446 (1923). Otherwise educators could transform students into "closed-circuit recipients of only that which the State chooses to communicate," Tinker, 393 US, at 511, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222, and cast a perverse and impermissible "pall of orthodoxy over the classroom," Keyishian v Board of Regents, 385 US 589, 603, 17 L Ed 2d 629, 87 S Ct 675 (1967). Thus, the State cannot constitutionally prohibit its high school students from recounting in the locker room "the particulars of [their] teen-age sexual activity," nor even from advocating "irresponsible se[x]" or other presumed abominations of "the shared values of a civilized social order." Even in its capacity as educator the State may not assume an Orwellian "guardianship of the public mind," Thomas v Collins, 323 US 516, 545, 89 L Ed 430, 65 S Ct 315 (1945) (Jackson, J., concurring).

The mere fact of school sponsorship does not, as the Court suggests, license such thought control in the high school, whether through school suppression of disfavored viewpoints or through official assessment of topic sensitivity.[2] The former would constitute unabashed and unconstitutional viewpoint

[484 US 287]

discrimination, see Board of Education v Pico, 457 US, at 878-879, 73 L Ed 2d 435, 102 S Ct 2799 (Blackmun, J., concurring in part and concurring in judgment), as well as an impermissible infringement of the students' " 'right to receive information and ideas,' " id., at 867, 73 L Ed 2d 435, 102 S Ct 2799 (plurality opinion) (citations omitted); see First National Bank v Bellotti, 435 US 765, 783, 55 L Ed 2d 707, 98 S Ct 1407 (1978).[3] Just as a school board may not purge its state-funded library of all books that " 'offen[d] [its] social, political and moral tastes,' " 457 US, at 858-859, 73 L Ed 2d 435, 102 S Ct 2799 (plurality opinion) (citation omitted), school officials may not, out of like motivation, discriminatorily excise objectionable ideas from a student publication. The State's prerogative to dissolve the student newspaper entirely (or to limit its subject matter) no more entitles it to dictate which viewpoints students may express on its pages, than the State's prerogative to close down the school-

2. The Court quotes language in Bethel School Dist. No. 403 v Fraser, 478 US 675, 92 L Ed 2d 549, 106 S Ct 3159 (1986), for the proposition that " '[t]he determination of what manner of speech in the classroom or in school assembly is inappropriate properly rests with the school board.' " Ante, at 267, 98 L Ed 2d, at 602 (quoting 478 US, at 683, 92 L Ed 2d 549, 106 S Ct 3159). As the discussion immediately preceding that quotation makes clear, however, the Court was referring only to the appropriateness of the *manner* in which the message is conveyed, not of the message's *content*. See, e.g., Fraser, 478 US, at 683, 92 L Ed 2d 549, 106 S Ct 3159 ("[T]he 'fundamental values necessary to the maintenance of a democratic political system' disfavor the use of terms of debate highly offensive or highly threatening to others"). In fact, the Fraser Court coupled its first mention of "society's . . . interest in teaching students the boundaries of *socially appropriate behavior*," with an acknowledgment of "[t]he undoubted freedom to advocate unpopular and controversial views in schools and *classrooms*," id., at 681, 92 L Ed 2d 549, 106 S Ct 3159 (emphasis added). See also id., at 689, 92 L Ed 2d 549, 106 S Ct 3159 (Brennan, J., concurring in judgment) ("Nor does this case involve an attempt by school officials to ban written materials they consider 'inappropriate' for high school students" (citation omitted)).

3. Petitioners themselves concede that " '[c]ontrol over access' " to Spectrum is permissible only if " 'the distinctions drawn . . . are viewpoint neutral.' " Brief for Petitioners 32 (quoting Cornelius v NAACP Legal Defense & Educational Fund, Inc., 473 US 788, 806, 87 L Ed 2d 567, 105 S Ct 3439 (1985)).

10-24

house entitles it to prohibit the nondisruptive expression of antiwar sentiment within its gates.

Official censorship of student speech on the ground that it addresses "potentially sensitive topics" is, for related reasons, equally impermissible. I would not begrudge an educator the authority to limit the substantive scope of a school-sponsored publication to a certain, objectively definable topic, such as literary criticism, school sports, or an overview of the school year. Unlike those determinate limitations, "potential topic sensitivity" is a vaporous nonstandard—like " 'public welfare, peace, safety, health, decency, good order, morals or convenience,' " Shuttlesworth v Birmingham, 394 US 147, 150, 22 L Ed 2d 162, 89 S Ct 935 (1969), or " 'general welfare of citizens,' " Staub v Baxley, 355 US 313, 322, 2 L Ed 2d 302, 78 S Ct 277 (1958)—that invites manipulation to achieve ends that cannot permissibly be achieved through blatant viewpoint discrimination and chills student speech to which school officials might not

[484 US 288]

object. In part because of those dangers, this Court has consistently condemned any scheme allowing a state official boundless discretion in licensing speech from a particular forum. See, e.g., Shuttlesworth v Birmingham, supra, at 150-151, 22 L Ed 2d 162, 89 S Ct 935, and n 2; Cox v Louisiana, 379 US 536, 557-558, 13 L Ed 2d 471, 85 S Ct 453 (1965); Staub v Baxley, supra, at 322-324, 2 L Ed 2d 302, 78 S Ct 277.

The case before us aptly illustrates how readily school officials (and courts) can camouflage viewpoint discrimination as the "mere" protection of students from sensitive topics. Among the grounds that the Court advances to uphold the principal's censorship of one of the articles was the potential sensitivity of "teenage sexual activity." Ante, at 272, 98 L Ed 2d, at 606. Yet the District Court specifically found that the principal "did not, as a matter of principle, oppose discussion of said topi[c] in Spectrum." 607 F Supp, at 1467. That much is also clear from the same principal's approval of the "squeal law" article on the same page, dealing forthrightly with "teenage sexuality," "the use of contraceptives by teenagers," and "teenage pregnancy," App 4-5. If topic sensitivity were the true basis of the principal's decision, the two articles should have been equally objectionable. It is much more likely that the objectionable article was objectionable because of the viewpoint it expressed: It might have been read (as the majority apparently does) to advocate "irresponsible sex." See ante, at 272, 98 L Ed 2d, at 606.

C

The sole concomitant of school sponsorship that might conceivably justify the distinction that the Court draws between sponsored and nonsponsored student expression is the risk "that the views of the individual speaker [might be] erroneously attributed to the school." Ante, at 271, 98 L Ed 2d, at 605. Of course, the risk of erroneous attribution inheres in any student expression, including "personal expression" that, like the armbands in Tinker, "happens to occur on the school premises," ante, at 271, 98 L Ed 2d, at 605. Nevertheless, the majority is certainly correct that indicia of school sponsorship increase the likelihood

[484 US 289]

of such attribution, and that state educators may therefore have a legitimate interest

10-25

in dissociating themselves from student speech.

But "'[e]ven though the governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved.'" Keyishian v Board of Regents, 385 US, at 602, 17 L Ed 2d 629, 87 S Ct 675 (quoting Shelton v Tucker, 364 US 479, 488, 5 L Ed 2d 231, 81 S Ct 247 (1960)). Dissociative means short of censorship are available to the school. It could, for example, require the student activity to publish a disclaimer, such as the "Statement of Policy" that Spectrum published each school year announcing that "[a]ll . . . editorials appearing in this newspaper reflect the opinions of the Spectrum staff, which are not necessarily shared by the administrators or faculty of Hazelwood East," App 26; or it could simply issue its own response clarifying the official position on the matter and explaining why the student position is wrong. Yet, without so much as acknowledging the less oppressive alternatives, the Court approves of brutal censorship.

III

Since the censorship served no legitimate pedagogical purpose, it cannot by any stretch of the imagination have been designed to prevent "materia[l] disrup[tion of] classwork," Tinker, 393 US, at 513, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222. Nor did the censorship fall within the category that Tinker described as necessary to prevent student expression from "inva[ding] the rights of others," ibid. If that term is to have any content, it must be limited to rights that are protected by law. "Any yardstick less exacting than [that] could result in school officials curtailing speech at the slightest fear of disturbance," 795 F2d, at 1376, a prospect that would be completely at odds with this Court's pronouncement that the "undifferentiated fear or apprehension of disturbance is not enough [even in the public school context] to overcome the right to freedom of expression."

[484 US 290]

Tinker, supra, at 508, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222. And, as the Court of Appeals correctly reasoned, whatever journalistic impropriety these articles may have contained, they could not conceivably be tortious, much less criminal. See 795 F2d, at 1375-1376.

Finally, even if the majority were correct that the principal could constitutionally have censored the objectionable material, I would emphatically object to the brutal manner in which he did so. Where "[t]he separation of legitimate from illegitimate speech calls for more sensitive tools" Speiser v Randall, 357 US 513, 525, 2 L Ed 2d 1460, 78 S Ct 1332 (1958); see Keyishian v Board of Regents, supra, at 602, 17 L Ed 2d 629, 87 S Ct 675, the principal used a paper shredder. He objected to some material in two articles, but excised six entire articles. He did not so much as inquire into obvious alternatives, such as precise deletions or additions (one of which had already been made), rearranging the layout, or delaying publication. Such unthinking contempt for individual rights is intolerable from any state official. It is particularly insidious from one to whom the public entrusts the task of inculcating in its youth an appreciation for the cherished democratic liberties that our Constitution guarantees.

IV

The Court opens its analysis in this case by purporting to reaffirm Tinker's time-tested proposition that public school students "do not 'shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.'" Ante, at 266, 98 L Ed 2d, at 602 (quoting Tinker, supra, at 506, 21 L Ed 2d 731, 89 S Ct 733, 49 Ohio Ops 2d 222). That is an ironic introduction to an opinion that denudes high school students of much of the First Amendment protection that Tinker itself prescribed. Instead of "teach[ing] children to respect the diversity of ideas that is fundamental to the American system," Board of Education v Pico, 457 US, at 880, 73 L Ed 2d 435, 102 S Ct 2799 (Blackmun, J., concurring in part and concurring in judgment), and "that our Constitution is a living reality, not parchment preserved under glass," Shanley v Northeast Independent School Dist., Bexar Cty., Tex., 462 F2d 960, 972 (CA5

[484 US 291]

1972), the Court today "teach[es] youth to discount important principles of our government as mere platitudes." West Virginia Board of Education v Barnette, 319 US, at 637, 87 L Ed 1628, 63 S Ct 1178, 147 ALR 674. The young men and women of Hazelwood East expected a civics lesson, but not the one the Court teaches them today.

I dissent.

88-27