

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 13, 1998 in Room 123-S of the Capitol.

All members were present except: Senators Downey, Emert, Hensley, Oleen and Jones

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: Lily Kober, Field Representative, Kansas NEA  
Wendy McFarland, ACLU  
Kursten Phelps, Student, Manhattan  
Jessie Franke, Student, Topeka  
Mary Lou Bowen, Teacher, Topeka  
Laura Swan, Student, Lawrence  
Dakota Loomis, Student, Lawrence

Others attending: See attached list

Chairperson Lawrence called the meeting to order and stated the agenda for the meeting was the continuation of:  
**SB 669--student publication; relating to rights and responsibilities thereof**

Lily Kober, field representative, Kansas NEA, an opponent of the bill, began her testimony. (Attachment 1) Ms. Kober stated that, as she had been away from the classroom for ten years, she had discussed the proposed legislation with two practicing journalism teachers/publication advisors, Mrs. Eweleen Good, journalism teacher, Pittsburg High School and *Panther Tales* advisor and Mr. John Mohn, journalism teacher, Ellinwood High School journalism teacher and *EHS* advisor. In speaking with them, they told her that they believe the educational benefits that students derive from working on good school publications far outweigh the possible inconveniences that will occasionally be caused by the natural kinds of mistakes that students can make.

Ms. Kober stated that the answer to Senator Lawrence's question of Tuesday, about how to deal with advisors who allow the students to print scurrilous articles is to inform every reader through an editorial policy. Prominently displayed on the editorial/opinion page of the newspaper, such policy needs to state that the opinions expressed in the newspaper are not necessarily those of the entire staff, the administration or the school board. The readers may write responses to any article that is printed. The policy needs to state that such letters can be edited for reasons of length or libel. Suite can be brought by an individual against a writer if the written material is libelous, obscene or will substantially disrupt the school day. Scurrilous, as defined by Black's Law Dictionary, would not, in all probability, meet the standards for libel or obscenity. She stated that it would be unconscionable, in her opinion, to teach students about their rights under the Constitution in one class and deny them those same rights in another class down the hall.

Ms. Kober replied to a question by stating that journalism instructors are the ones who have the college degrees in English and Journalism and the experience as educators of English and Journalism and advisors to publications. No school board member has to have any college education to be a school board member. She believes the role of the school board is to be very supportive of the instructors that they have hired in doing his or her job. She also clarified what she had previously stated, that a school board and an administration under the law cannot legally force an advisory to a publication to censor a students' work unless or until it is libelous, obscene, or will substantially disrupt the school day. She believes that an instructor who would allow libelous material to go into a publication knowingly should be held accountable for his or her journalism instruction and advisorship. She believes that this can happen in Kansas as the laws are currently. She believes that the Hazelwood decision is more restrictive than current Kansas statute and that is why the legislature, in its wisdom, enacted the law that they did following the Hazelwood decision. It should be commended and not changed.

Ms. Kober was told of examples of wills shown at a previous meeting where students were mostly hurt by what had been said. The instructor felt that by law he did not have the ability to do anything about it. She was asked her opinion about this.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, ROOM 123-S-Statehouse, at 9:00 a.m. on March 13, 1998.

She responded that wills can be a problem, they can be hurtful and vicious. Whether that hurtfulness or viciousness is libelous, she doesn't know. If it were, it definitely should not go in. She never had to deal with a school will in all her years of teaching. She believes they are, by their very nature, poking fun at one level and being hurtful at another level.

As a followup to that question, she was asked if the instructor did or did not have the ability under current state law to require the column to be cleaned up; did the instructor have the ability to require articles to be toned down, made less hurtful and less personal.

Ms. Kober stated that if that student insisted on placing his or her name on the article as it was written, that he or she had the ultimate right to do that and to accept the responsibility. What the students print may not be liked, but they still have the right to print it unless it is libelous, obscene, or substantially disrupts the students' day. She clarified that she has read of the wills, but has not read the actual content of the wills.

Wendy McFarland, ACLU, appeared next in opposition to the bill. She stated that she has a degree in Journalism from Temple University in Philadelphia. She presented an ACLU paper (Attachment 2) and stated that papers like this are circulated to high school students to give them some idea of what their rights are and to give them some guidance on student publications, etc. She said that in grade, junior high and high school she had advisors that commanded her respect. She knew that they knew more than she did. She would like to meet the instructor that countenanced the publication in the city newspaper. The liability would obviously lie with the city newspaper that printed that article; there would be no liability to the author of the article.

Ms. McFarland stated that an elected official, movie star or school board has a greater burden of proof if trying to prove malicious slander or being maligned; there is a price to serve in public office. She told of her experiences when working in the Governor's office under Governor Finney, where first amendment rights came into play every day. Anyone who feels the whole story isn't being presented can also exercise his or her right to free speech to set the record straight. Everyone has the right to answer malicious information that is written or spoken about them. The best way to combat these kinds of free speech abuses is to utilize the right of free speech as well. She complemented all of the young students who have come so far, stating how informed and bright they are.

The Chairperson stated that all would agree that we have seen the best and brightest. The Committee has seen some incredible teachers, as well as students, but not all students are incredible, kind or thinking; all teachers are not as discerning or sensitive as others. That is one of the things the Committee is dealing with. She asked Ms. McFarland how she would respond to the same questions that were asked of Ms. Kober. Would the Ellinwood instructor and advisor have had the right to step in and either edit, soften the article or strike it.

Ms. McFarland's response was that if that was the excuse articulated by the particular instructor whose duty it was to oversee the publication of this high school article then she would say that, in fact, it was a poor excuse. She wished the particular teacher in question had attended the hearings so she could ask him what he was thinking; what kind of incentive were the students being given on what is good journalism and what is not. If any of these students ever hope to have a career in journalism, with something like that on their resume they probably will not go anywhere. She thinks the burden lies with that particular instructor. She doesn't believe that particular teacher's hands were tied. She has never heard of a high school teacher who wasn't able to exert his or her authority. The teacher also has the power of the grade. The teacher could flunk a student and also recommend that student be expelled. She stated that it is hard to discuss someone who is not present, based upon what she has read in the press. She always reads everything with the idea that it may not be true.

Kursten Phelps, Manhattan, editor of *The Mentor* and President of the Kansas Scholastic Press Association Student Board, appeared in opposition to the bill. In addition to Ms. Phelps' testimony (Attachment 3), she also presented letters from Todd F. Simon, J.D., LL.M., Kansas State University, (Attachment 4) and Penny J. Wika, Journalism Teacher and Publications Adviser, Manhattan (Attachment 5). Ms. Phelps read through her testimony and added that high standards and guidelines should be set, but that does not take place at the board of education level; it should take place on staff with advisers, editors and student journalists.

Jessie Franke, WRHS junior and Assistant editor of the school paper, *Blue Streak*, submitted her testimony (Attachment 6), as well as the testimony of Jennifer McKenzie, also on the newspaper staff (Attachment 7) who was unable to attend the hearing. Ms. Franke's testimony stated that the best thing that is learned from journalism is ethics. That is taught by the advisor. Instead of administration and school board dictating content and layout, the school board could better spend its time hiring good advisers or letting the students make mistakes in so that when they become professionals, they already know the rules of ethics.

Mary Lou Bowen, Student Publications Adviser, Washburn Rural High School and President of the Kansas Scholastic Press Association, addressed the bill. Ms. Bowen will be retiring at the end of the school year. She read in her testimony that problems inherent to one or two schools should be handled by those schools.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON EDUCATION, ROOM 123-S-Statehouse, at 9:00 a.m. on March 13, 1998.

If an adviser is not doing a good job, take care of it. If there is a misunderstanding among administrators, students and faculty, clear it up. (Attachment 8)

Laura Swan, opinion page editor of the *Free Press*, Free State High School, Lawrence, Kansas, addressed the bill and presented her testimony. (Attachment 9) She stated that she would not read her testimony, but instead, ask some questions of the Committee. She asked why the Committee was trying to pass this bill.

The Chairperson stated that there is a lot of misunderstanding and the law is deemed to be unclear so that those people who have to handle these situations can be assured that what they are doing is what the law requires; that's what the legislature is all about.

The Chairperson appointed a subcommittee of Senator Emert, Chairman and Senator Bleeker to clear up the language and bring the bill back to Committee.

Due to time constraints the Chairperson asked Ms. Swan if she would speak with the members of the Committee after the meeting so the last conferee could testify.

Dakota Loomis, Editor in Chief, *The Budget*, Lawrence High School, stated that he has 2,000 people grading his paper every week. A school board or administrator being allowed to tell him what can be done is taking away his right to learn and experience scholastic journalism. (Attachment 10 *The Budget* on file in Chairperson's office).

The Chairperson thanked all the conferees and stated that the full Committee would meet again on the bill when the Subcommittee was ready to give its findings.

The meeting was adjourned.

The next meeting is scheduled for March 16, 1998.

# SENATE EDUCATION COMMITTEE GUEST LIST

DATE: March 13, 1998

NAME	REPRESENTING
Dave Topelior	Lawrence Journal-Corral
Laura Swan	Lawrence Free State High
Dakota Loomis	Lawrence High School
<del>Oran Burnett</del>	<del>USD 501#</del>
Jessie Franke	Wichburn Rural Journalism
Mary Lou Bowen	Wichburn Rural N.S. & KSPA
John Hunsel	KSPA Executive Director
Kristen P. Phelps	Manhattan High School
Ron Johnson	Kansas State University
Linda A. Penning	Kansas State University
Katherine Hollar	KU student, Topeka High School graduate
Ashley Basgall	KU student, Great Bend High School graduate
Sarahy Rockefeller	LOWV
Judy Kahan	KNEA
Joe Chase	KNEA
Mark Tallman	KASB
VALERIE TAYLOR	Shawnee Heights High School student
Leslie Peterson	Shawnee Heights Journalism
Stacy Hanna	Shawnee Heights <sup>photo</sup> Journalism



Thank you Madame Chairman. I am Lily Kober, and I represent Kansas NEA. Prior to being a UniServ director, however, I was a teacher of high school English and journalism and the adviser to student publications in Fort Scott, Kansas. Some twenty years ago I learned firsthand what it is like to deal with an administrator unhappy over a student's editorial. In my situation, the editorial dealt with school lunchroom food, specifically, the greasy tacos. Again, in 1985, I had to deal with community members up in arms over an award-winning series of in-depth articles my students wrote and published concerning issues of human sexuality, abortion and adoption. I am here today to speak in opposition to SB 669.

Kansas NEA opposes the changes to the Student Freedom of Expression Act that would be enacted if SB 669 were adopted. We believe that the current statute is adequate to ensure that journalism instructors can advise students to revise and correct material prior to publication in order to fulfill "high standards of English and journalism." Since I have been away from the classroom for ten years, I discussed this proposed legislation with two practicing journalism teachers/publications advisers, Mrs. Eweleen Good, who teaches journalism at Pittsburg High School and is adviser to the *Panther Tales*, and Mr. John Mohn, who teaches journalism at Ellinwood High School and is the adviser to the *EHS Today*.

Mrs. Good and Mr. Mohn are both longtime journalism educators and publications advisers. First, their belief and mine is that the educational benefits that students derive from working on good school publications far outweigh possible inconveniences that will occasionally be caused by the natural kinds of mistakes that students will make.

Second, that it is wisest for all sorts of reasons to agree that the adviser is the person who should be held responsible to oversee the publications, and the school board and administration should give him or her their support.

Senate Education  
Attachment 1  
3-13-98

Third, if for any reason the administration or the board members catch a mistake in print or a potentially offensive article that they immediately inform the adviser, who is the one ultimately responsible.

Fourth, all of us must expect that reasoned criticism is to be expected when it comes to school publications. That is part of what scholastic journalism is all about. It is the adviser's job to see that any criticisms of any person or persons are, in fact, reasonable.

Fifth, the adviser needs the help and support of his/her board and administration. When someone criticizes a student article, they can help the adviser tremendously by making positive reactions to the critic about the importance of students being allowed to learn how to express themselves and then how to learn from their mistakes.

Certified teachers of journalism are the best qualified employees in a school district to establish "written guidelines that define high standards of English and journalism applicable to a student publication." In most instances in Kansas, journalism teachers have a college degree in either English or journalism or both. They know their fields far better than school administrators, most of whom do not have degrees in either English or journalism, and certainly far better than most school board members. If legislators are truly concerned about student journalists striving for such high standards, then the journalism educator is the best person to instill those standards. Journalism teachers also utilize textbooks which stress high standards of writing in all aspects of journalism and which deal extensively with the functions of a journalist, the ethics of journalism, libel law and limits on scholastic journalism. The introduction to the journalism textbook, *Journalism Today*, ends with this advice to high school students, "Start reading. Put down that joystick, turn off the TV and the computer, and grab a book. Read it, then read another one. Read the recipes on the cereal box at breakfast and the signs on the bus. This text will teach you the essential journalistic skills, but you cannot become a journalist solely by reading this book--or any other, for that matter. You learn journalism by doing journalism. The doorway to journalism is closed, however, to all but the truly literate. And that means devouring the written word."

In closing, I would state again that the current law dealing with student freedom of expression does not need amending. Journalism instructors have the authority under the current statute to revise and correct student expression to ensure high standards of English and journalism. My concern is that SB 669 could be used as a tool to stifle student expression under the guise of "high standards." Let us always remember that students, too, are full citizens of the United States. It would be unconscionable, in my opinion, to teach students about their rights under the Constitution in one class and deny them those same rights in another class down the hall. As Voltaire said, "I disapprove of what you say, but I will defend to the death your right to say it." For these reasons, Kansas NEA is opposed to SB 669.



# American Civil Liberties Union Of Kansas and Western Missouri

Wendy McFarland/Lobbyist (785) 233-9054

## Hearing on Senate Bill 669 Concerning Student Publications March 10, 1998

**"In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are 'persons' under our Constitution."**

**-- Justice Abe Fortas, Tinker v. DesMoines (1969)**

**The following is an excerpt from one of a series of papers published by the ACLU written specifically for Students. This paper deals with a student's right of free expression.**

Getting an education isn't just about books and grades – we're also learning how to participate fully in the life of this nation. (Because the future's in our hands!)

But in order to really participate, we need to know our rights – otherwise we may lose them. The highest law in our land is the U.S. Constitution, which has some amendments, known as the Bill of Rights. The Bill of Rights guarantees that the government can never deprive people in the U.S. of certain fundamental rights including the right to freedom of religion and to free speech and the due process of law. Many federal and state laws give us additional rights, too.

The Bill of Rights applies to young people as well as adults. And what I'm going to do right here is tell you about FREEDOM OF EXPRESSION.

### **WHAT DOES FREEDOM OF EXPRESSION ACTUALLY MEAN?**

The First Amendment guarantees our right to free expression and free association, which means that the government does not have the right to forbid us from saying what we like and writing what we like; we can form clubs and organizations, and take part in demonstrations and rallies.

### **DO I HAVE A RIGHT TO EXPRESS MY OPINIONS AND BELIEFS IN SCHOOL?**

Yes. In 1969 in Tinker v. Des Moines Independent Community School District the Supreme Court held that students in public schools – which are run by the government – do not leave their First Amendment rights at the schoolhouse gate. This means that you can express your opinions orally and in writing – in leaflets or on buttons, armbands or T-shirts.

You have a right to express your opinions as long as you do so in a way that doesn't "materially and substantially" disrupt classes or other school activities. If you hold a protest on the school steps and block the entrance to the building, school officials can stop you. They can probably also stop you from using language that they think is "vulgar or indecent," so watch out for the dirty words, OK?

Also, school officials may not censor only one side of a controversy. If they permit an article in the official school paper that says that school prayer is bad, they may not censor an article that says school prayer is good.

*Senate Education  
Attachment 2  
3-13-98*

## WHAT ARE WE ALLOWED TO SAY IN A SCHOOL PAPER?

Keep in mind – private schools have more leeway to set their own rules on free expression than public schools do.

It depends on whether the school is paying for producing the paper. If it is a completely student-run paper that you want to hand out in school, the school may not censor what you say or stop you from handing it out as long as the paper is not "indecent" and you do not "materially and substantially" disrupt school activities. (The school may place reasonable limits on the "time, place or manner" of handing it out.) The same rule applies to leaflets or buttons that you have created and paid for.

In the official school paper, however, you might have a problem publishing an article that discusses important but controversial issues like sex education, condom distribution, or drug abuse. That's because of a 1988 Supreme Court decision, *Hazelwood School District v. Kuhlmeier*. It said public school administrators can censor student speech in official school publications or activities -- like a school play, art exhibit, newspaper or yearbook -- if the officials think students are saying something "inappropriate" or "harmful" even if it is not vulgar and does not disrupt.

Some states -- including Colorado, California, Iowa, **Kansas** and Massachusetts -- have "High School Free Expression" laws that give students more free speech rights than the Constitution requires. Check with your local ACLU to find out if your state has such a law.

### **CAN WE SLAM A REALLY BAD TEACHER IN THE SCHOOL PAPER?**

In your own publication, it's your right to criticize how the people who run your school do their jobs. But you can't print something about your teacher that you know or should know isn't true that makes him or her look bad. That might be libel, and that could get you into trouble.

### **CAN THE SCHOOL LIBRARY REFUSE TO STOCK CERTAIN BOOKS?**

This is a very complicated issue. Schools certainly have the right to pick the books they think have the greatest value for their students and to reject those that they believe have little value. On the other hand, if the school refuses to stock a book for "narrowly partisan or political," reasons – i.e., they just don't agree with the authors' viewpoints – that's censorship and censorship is unconstitutional. In a 1982 case called *Island Trees v. Pico*, the Supreme Court ruled that school boards can't remove books from a school library just because they don't agree with their content. But in many communities around the country, school administrators and librarians are under heavy pressure from religious and other groups to censor what we read and study.

If you believe that your school is censoring books because of their viewpoints, you, your teachers and the school librarian can challenge book censorship at your school or in court. The freedom to read is the freedom to think – and that's totally worth fighting for!

**It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech . . . at the schoolhouse gates."**

**--U.S. Supreme Court, *Tinker v. Des Moines* (1969)**

We spend a big part of our life in school, so let's speak up! Join the student government! Attend school meetings! Petition your school administration! Talk about your rights with your friends! Don't forget, we are the future!

**Produced by the ACLU Department of Public Education.  
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Kursten A. Phelps  
1936 Hayes Drive  
Manhattan, KS 66502

March 10, 1998

Senate Education Committee  
Kansas State Senate  
Capitol Building  
Topeka, KS

Dear Honorable Committee Members,

My name is Kursten A. Phelps and I am a senior at Manhattan High School in Manhattan, KS. As editor of my high school newspaper, The Mentor, and President of the Kansas Scholastic Press Association Student Board, I urge you not to support passage of Senate Bill 669. This bill would virtually kill the sacred freedom that student journalists in Kansas have under the Student Publications Act.

If this bill passed, there would be no power of the press -- school administrations and school boards would be able to control student publications to almost any extent. This would drastically affect the quality of Kansas high school newspapers. As editor of a weekly paper, I have learned well the responsibilities of informing readers of controversial issues. It, indeed, is a huge responsibility, but students in Kansas have taken on that task and produced outstanding publications and have a reputation for quality around the nation.

Personally, I can envision The Mentor being devastated by this bill. Since we do publish an issue every week, we have the advantage of covering very timely, important issues within the school. This has not always made us popular with the administration, but our issues have always been of high English and journalistic quality, and have served as a primary communication link between students, faculty, the administration, and the school board. I do not feel as though my staff has the complete support of our principal, Sylvester Benson, and I fear that if Senate Bill 669 passed, he would censor The Mentor to his full advantage. At one point, he told us that he would like to see The Mentor publish only up-beat, congratulatory types of stories. While it's great to print good news, it's our responsibility as student journalists to print the "ugly" or controversial news, as well.

Every article published in The Mentor is accurate, concise and clear. Our policy is that we do not criticize any persons in any editorial page articles; we will only question or criticize policies or actions. Senate Bill 669 would allow my principal to deny us the opportunity to raise legitimate questions about policies. If that happens, the heart of every student journalist might as well be ripped out and hung from a flagpole.

I feel it is your duty as elected officials to defend the Constitution. Please, do not allow high school students' First Amendment rights to dissolve. I urge you not to support the passage of Senate Bill 669.

Thank you for your time and consideration.

Sincerely,



Kursten A. Phelps

Senate Education  
attachment 3  
3-13-98



March 11, 1998

Senator Barbara Lawrence  
Chair, Senate Education Committee  
255-E Capitol Building  
Senate Post Office  
Topeka, KS 66612

A. Q. Miller School of Journalism  
and Mass Communications  
105 Kedzie Hall  
Manhattan, KS 66506-1501  
785-532-6890  
Fax: 785-532-5484  
<http://www.jmc.ksu.edu>

Dear Senator Lawrence:

Senate Bill 669 is an unnecessary and undesirably large response to what appears to be a small problem. Giving administrators the authority to determine what constitutes "high standards of English and journalism" will in reality result in restraint and censorship.

Before coming to Kansas State University last July, I was a member of the School of Journalism faculty at Michigan State University for thirteen years. I worked closely with the Michigan Interscholastic Press Association (MIPA) on issues of censorship in the high school student media. I also worked with MIPA to promote a student press rights bill similar to the one passed here in Kansas in 1992. The *Hazelwood v. Kuhlmeier* decision by the U.S. Supreme Court has had a dreadful effect on high school journalism. It allows administrators to substitute their judgment for that of both advisers and student journalists. We dealt with dozens of these cases each year in Michigan. In almost every instance, the administrator or principal made the decision based on concerns about embarrassment or public relations, not on the basis of journalistic standards. Few principals have training in journalism or mass communications. The Great Bend examples that have partially prompted bill 669 seem to fit this pattern. Whether the stories are done well or poorly, coverage of sexual harassment and differential punishment are newsworthy.

I saw the horrible effects of *Kuhlmeier* in my classes at Michigan State. Students conditioned to being restrained tend to stay that way. They do not somehow act on their First Amendment rights magically upon graduation from high school. They have been too often denied the free expression rights many of us had simply taken for granted as high school students in decades past, and it shows. They look for permission. They defer to authority. They do what they think the people in charge want. In media law, we call this the chilling effect—self-censorship to please or appease the censor. It is the biggest reason the Supreme Court got it wrong in 1988 and Kansas got it right in 1992.

*Senate Education  
Attachment 4  
3-13-98*

Senator Lawrence—p. 2

I can see the difference with Kansas high school graduates in the A.Q. Miller School. They speak up and they speak out. Most aren't afraid to challenge authority. They are more independent than their peers in other states. We should be pleased and proud about that, and recognize occasional lapses in taste as occurred in Ellinwood as just that—occasional, and a fairly small price to pay for the larger result.

The proposed legislation appears to grant discretionary authority for administrators to determine "high standards." In my experience, they have used that authority to suppress controversial or negative news, not to improve the journalistic product. The bill would not serve its apparent intended purpose, and would have baleful side effects. I urge that it not leave committee.

Sincerely,



Todd F. Simon, J.D., LL.M.  
Director & Professor

Cc: Senator Lana Oleen  
Ron Johnson, Director, Student Publications Inc.  
John Hudnall, Executive Director, KSPA

March 12, 1998

State Senator Barbara Lawrence  
State Capitol  
Topeka, KS 66601

Dear Sen. Lawrence,

As both a professional educator and a professional journalist, **I am writing to express my objections to Senate Bill 669** which is being discussed by the Senate Education Committee.

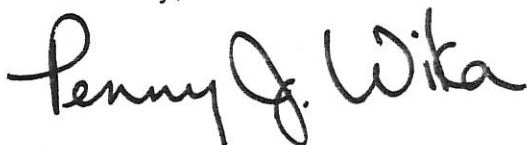
It is important that student journalists be responsible journalists and that they know the difference between what they can write and what they should write, but **this is an educational issue, not a legislative issue**. It is my responsibility as a competent and professional journalism teacher to prepare my students for real-world journalism by encouraging them to **accurately cover all aspects** of the school, the controversial topics as well as the "blue-ribbon-winning" events.

For the past 12 years, I have advised The Mentor, the only weekly high school newspaper in Kansas (35-40 issues per year), and throughout that time, the students have been accurately reporting timely and controversial issues at this high school -- and doing so in responsible, well-researched articles. Among those topics were the firing of an assistant principal, covering the pros and cons of alternative scheduling and the newly implemented attendance policy, and the assigning of a repeat freshman English class to a speech teacher, who had not taught English for 30 years, four days after the semester began.

If Senate Bill 669 were to be adopted, student press rights would be voided, and the administration would be able to censor, under the guise of high standards of journalistic and English writing, any story that he/she feels would damage the image of that school. What administrators fail to realize is the importance of telling the truth and, therefore, squelching rumors that will spread if the facts are not printed.

**I do not condone articles in poor taste in any publication, but Senate Bill 669 is an unnecessary censorship "solution" to an instructional issue. Please vote against sending Senate Bill 669 out of your committee.**

Sincerely,



(Mrs.) Penny J. Wika  
Journalism Teacher and Publications Adviser  
1997 Kansas Teacher of the Year Team

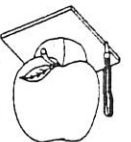
Senate Education  
Attachment 5  
3-13-98

**Penny J. Wika**

Manhattan High School  
2100 Poyntz Avenue  
Manhattan, Kansas 66503-3899  
(913) 587-2114  
Facsimile: (913) 587-2132

Home  
2204 Country Club Drive  
Wamego, Kansas 66547  
(913) 456-8263

**KANSAS**  
Teacher  
of the Year



**1997 Regional**

Jessie Franke  
WRHS junior  
Assistant editor

# In Defense of Truth

I can't speak for any other school or any other journalism program. Our program has a few advantages over some. For example, our newspaper adviser, Mary Lou Bowen, is the Kansas High School Press Association president. She's been in journalism most of her life and knows the ropes-- and how to teach them to us. She team-teaches with Roseann Gish, and together they've attended (and spoken at) numerous journalism conferences. Both are certified Master Journalism Educators.

Our principal, Bill Edwards, was voted Kansas Journalism Principal of the year because he supports scholastic journalism. If what we say provokes some parents or school board members into calling and complaining, he responds with a smile, telling the callers that the journalism students have press rights and he respects these rights. He allows us to exercise this freedom, saying, "Along with the opportunity for students to be involved with the high school journalism program comes the responsibility to use good judgment and appropriately reflect the school community, I'm comfortable with allowing the students and advisers to have the right to express their views because I have confidence they'll be appropriate."

The problems this amendment wishes to 'solve' in most cases are not the result of irresponsible teenagers. We are not incompetent or devious. The kids who are involved in the journalism program are among the school leaders. The people who survive in journalism are natural leaders, creative team players, able to handle stress, and above all-- utterly responsible. We face deadlines, getting criticism, giving criticism, trying to represent the entire school of 1500 with a staff of 25, and doing all that in a creative way that those 1500 kids will like. That's a lot of extra work outside of class. No one just enrolls in journalism-- we become journalists. And journalism is one of the most stressful jobs out there. Why else would they have a Degree deodorant commercial about us?

By giving jurisdiction over the school newspaper to the administration and school board, this bill subjects objective reporting and editorializing to the personal vendettas of public figures. Professional newspapers don't worry about making public figures happy. They worry about conveying the truth. Journalism isn't about being a public relations or parent pleasing tool. It's about teaching kids about the real world... how to write, how to be appropriate, and how to report the truth.

There is a difference between legality and tact. For example, we can talk about inappropriate matters in the newspaper, but we shouldn't, if we want respect. Our newspaper, "The Blue Streak," realizes this and has won accolades for our professional coverage. Students can learn the legal rules-- we've always had rules. The best thing we learn from journalism is ethics. That is taught by the adviser. The appropriateness of a paper is a result of the adviser's years of testing and mistakes to discover the makeshift rules of tact.

Instead of the administration and school board dictating newspaper content and layout, the school board would better spend its time hiring good advisers-- or letting the students make the mistakes in high school so that when they become the professionals in the future, they already know the rules of ethics.

Senate Bill 62 should stand as it is. Kansas has gained stature in the eyes of other state high school programs because Kansas respects its teenagers. It is an insult to teenagers everywhere that you would consider revoking that respect. As a teenager and as a person, I implore you to leave the bill as it is and let us show you our abilities. I've already spent years proving them-- don't stifle me now!

*Senate Education  
Attachment 6  
3-13-98*

Jennifer McKenzie

Washburn Rural High School

As a member of the Washburn Rural 'Blue Streak' staff for the past two years, I have learned a great deal about journalism, and I am grateful for the presence of Senate Bill 62. Kansas is one of the few states that has recognized the First Amendment rights of student publications. One year our newspaper staff even celebrated our state's enlightenment by wearing t-shirts proclaiming the freedom of the press. The proposed amendment would be a great misfortune for high school publications by threatening to eliminate the fundamental tenet of free speech.

The presence of this bill has encouraged educators to promote and teach students about journalistic integrity and the responsibilities that they accept as they write material for publication. One of the greatest lessons students have learned is how to utilize this privilege with discretion -- the importance of presenting an unbiased and balanced account in an article. In this way, students self impose high standards of journalistic integrity. Inserting the clause which allows "the board of education or employees thereof to establish written guidelines that define "high standards" of journalism" would remove this responsibility from the students.

One of the potential threats of this shift in responsibility is that it would limit student expression to viewpoints that the district wishes to inculcate. Districts could easily camouflage viewpoint discrimination by labeling material as falling out of the bounds of "high journalistic standards." For example, a board could mandate that articles dealing with sensitive district policy must report only the information that an official spokesperson provides. The potential slippery slope of censorship created by empowering schools' boards of education with control of the content of publications would suggest that students abandon their First Amendment rights upon entering the school grounds and hold no right to public forum.

Although it would be wonderful if we lived in an ideal world void of information that creates discomfort, this world does not exist. It would not be a true education of any student to teach that such news should not be produced. High school publications provide students with lessons on how to responsibly report and distribute this information.

In conclusion, the proposed amendments to Senate Bill 62 would change high school journalism as it is known today. As it currently stands, Senate Bill 62 is a major achievement for high school journalism and should remain without the proposed amendments.

*Senate Education  
Attachment 7  
3-13-98*



Mary Lou Bowen,  
Student Publications Adviser, Washburn Rural High School,  
President, Kansas Scholastic Press Association

There are bad doctors - there are bad car mechanics - there have been less than effective legislators - and I can testify that there are journalism advisers who don't do the job I think they should do. But to lump all doctors together as bad, all legislators as bad, all mechanics as bad. . .no thinking person will do that.

By the same token, to say that advisers are doing this and this and this, implying that all advisers are doing poorly, is presumptive and grossly unfair.

Scholastic journalism is my passion. . .it has been my pleasure as an educator to work with some of the finest young minds. . .I have viewed it as my duty to encourage those students to stretch those minds, to develop clear thinking skills, to guide them in their search for truth. . . and, as a teacher and an adviser, to teach them the language skills to adequately, fairly and truthfully share their knowledge with others.

As president of the Kansas Scholastic Press Association I have challenged my fellow advisers to be alert and diligent as we supervise student publications.

Some of what I have been hearing and reading that is attributed to high school journalists, while not illegal, is truly in poor taste. I have reminded Kansas advisers to be cognizant of what is in good taste and what is not. I constantly remind my students that it is not their right to hurt, to make fun of, to put down, any fellow student, or an adult in authority. My students have learned, and will tell you, that just because they have a right, it is not always "right" to exercise it. They have been taught that what is acceptable in one community may not be in another and that they must be sensitive to the social mores of their own community.

But at no time will I tell them they cannot challenge something a school official has done. . .if, and I emphasize that if, they feel

*Senate Education  
Attachment 8  
3-13-98*

strongly that the action is detrimental or wrong, if they research all sides and have all the facts, if they can write intelligently about the situation, and if they have a feasible solution to present, then why should they be stifled?

However, there have been times when the above applied and I felt it necessary to ask the students to decide if the situation was one of the battles they wished to pursue or was it one they could afford to concede. Almost always, they have made what I felt was the most appropriate decision. If questions still remained, then we talked it through. I want to know what they think, and why.

It is hard to fool high school kids. They can see right through you, so it is best to be honest with them. If I don't think it is in their best interests to persist with a story, I tell them why. And I have been guilty of saying to them, "You really don't want to do that. . .as your adviser, as your teacher, in all good conscience, I can't allow you to make that mistake." That is my responsibility as an educator. I want them to learn, and to learn from their mistakes, if necessary, but I can't stand by and watch them make mistakes that will harm them or others in any way.

Criticism is healthy. If that criticism is honest and founded, it is not healthy to tell young minds they won't be allowed to express it.

I have heard a litany of problems that have occurred at one or two schools, problems that I feel are inherent to those schools, problems that should be handled by those schools. If there is an adviser not doing a good job, take care of it, if there is misunderstanding among administrators, students and faculty, clear it up.

It is unfair to penalize students who produce quality products. . . who have worked to establish good working relationships with administrators. . . who have been taught about ethics and legal journalism. . .This is my stand as a veteran student publications adviser. . .one who does not tell students they can write anything they feel like writing.

*Francis [unclear]*  
8-2

STATEMENT OF LAURA SWAN  
Kansas Senate Education Committee  
March 13, 1998

Madam Chairman, distinguished members of the Senate Education Committee, and honored guests. We are proud to be here today, exercising our solemn right of free speech, and representing the community of Lawrence, Kansas, which since the 1850s has been a symbol of the struggle for freedom. My name is Laura Swan and I am the opinion page editor of the *Free Press* of Free State High School now in its first year of operation. My colleague is Dakota Loomis who is editor-in-chief of *The Budget* at Lawrence High School.

We are here because we share a common commitment to the United States Constitution which Lawrence editor John Speer in 1855 called "the great Magna Carta of American liberties" (which) "guarantees to every citizen the liberty of speech and freedom of the press." Just as Speer did in those turbulent days of "Bleeding Kansas", we feel we must expend every effort possible today to protect as sacrosanct each and every facet of free speech. And while we don't confront the same evil forces today who destroyed Speer's newspaper office and threw the *Kansas Free State* printing press into the Kansas River, we are absolutely dedicated to the same vigilance and protection of freedom of the press that John Speer and William Allen White and every other Kansas editor worth his (or her) salt have always demanded.

First of all, I would like to thank all of you for being so open to our ideas, and attempting to see both sides of this issue. I want all of you to know that I truly do appreciate your efforts to protect us. I know that none of us would even be here if you were not concerned for our overall well-being.

Senate Education  
Attachment 9  
3-13-98

I agree with a lot of the points that the advocates of this bill have made. I do not condone or respect an individual who chooses to call someone an "annoying loser," or feels that he has the right to tell someone that she needs facial hair remover. I certainly would find that offensive if it were written about me. Who wouldn't? The purpose of a high school newspaper is not to allow students to make inappropriate, even insulting comments about each other or anyone else. Our paper is a voice of all the students, our most vital form of expression and communication.

So the question is: what do we do with these people who choose to write in poor taste? Which route do we take? Either we attempt to prevent this from happening or we make sure that those who do write in poor taste are punished and learn from their mistakes.

Senators, we all know that this is mainly a debate over who is qualified or responsible enough to decide what is or isn't appropriate in a high school newspaper. I think it is pretty safe to say that some of you strongly believe that scholastic journalists and editors are not educated enough or adequately trained or sufficiently mature to make this decision. Under the current system, we do have that right, and with that right comes a valuable lesson.

If true education is our highest goal, this freedom is essential to our learning process. High school should teach us about the real world and not shelter us from it because of a fear that we are unable to handle it. Without the freedom to make mistakes and learn from them, we will not be prepared to handle the more serious problems of life. I strongly believe that we all learn through experience and from making mistakes.

This bill would not only take away this total freedom that we as students have, but it would also limit our learning process. Possibly fewer libelous statements would be made, but is that what our ultimate goal is? I ask all of you to think for a moment, what

really is the ultimate goal in passing this bill? The most important thing high school can give us is practice. Not just practice on how to write essays or take tests, but practice on how to handle the real problems that life will send our way. Sheltering is no way of education, and I guarantee if students are not allowed to make their own mistakes and learn from them, a valuable lesson will be lost. We, as journalism students, have all had a background in the rules and laws of journalism. We have an advisor and a paraprofessional, both with a strong education in what is considered to be "high standards of English and journalism." Along with the help of each other through peer editing and the feedback of our audience, we are doing a fine job given the freedom that we have. Some of you Senators may have had this experience. I'm confident you know what I mean and even more confident, with your first-hand knowledge of how this process works, that you oppose this legislation.

I know there are a few extreme cases where students have chosen to abuse this power, and I do not agree with what was said in some of these instances. But should an entire state pay the price for the mistakes of just a few students? When you compare the amount of students who have handled this freedom very well to the amount who haven't, I think you will understand what I mean. There are thousands of journalism students who have handled this freedom just fine, and learned their lessons when they didn't.

When I learned in my beginning journalism class that Kansas was one of the very few states that passed a student freedom of expression law after the Supreme Court's Hazelwood ruling, I was overwhelmed with pride. Kansas has always been an advocate of people's rights, whether it be for slaves or for the press. The passing of this bill would be a strong setback in our long history of fighting for freedom and would greatly disillusion young Kansans, the future of our State.

Swan Statement/Page Four

In conclusion, Senators, I would like to ask you to allow this freedom that we as students have to continue. Without it we will be much less prepared; not just for a journalism career but also for real life decisions. For those that do make poor decisions, they will pay the price; we have all seen that with the exposure that Ellinwood and Great Bend high schools have received. Those students will come out of their ordeals as better journalists and decision makers in life, regardless of the final outcome. Please allow this essential type of learning to continue in our school system; we are so lucky to have it. Without it our long-term education and personal growth, as well as our overall happiness, will suffer.

Thank you all for your time and attention. I very much appreciate it. And now I would like to introduce my colleague, Dakota Loomis, editor-in-chief of *The Budget* at Lawrence High.