

# **Exhibit A**

Approved: [Signature]  
Date: 2/9/1992

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Rick Bowden at 3:30 p.m. on January 23, 1992 in room Room 519-S of the Capitol.

All members were present except:

Committee staff present:

Ben Barrett, Legislative Research  
Avis Swartzman, Revisor of Statutes Office  
Shirley Wilds, Secretary to the Committee

Conferees appearing before the committee:

Representative Gary Blumenthal  
Representative Steve Wiard  
Erin Wiard, Council Grove High School  
Billie Hainsey, Council Grove High School  
Mark Tallman, KASB  
Mr. Jason Phillips, Shawnee Mission Northwest High School  
Ms. Colleen McCain - Salina High School  
Mr. John Mohn, Ellinwood High School  
Ms. Eweleen Rhue, Pittsburgh High School  
Ms. Carol Drelling, McPherson High School  
Craig Grant, K-NEA  
Gordon Risk, American Civil Liberties Union of Kansas

The meeting was called to order by Chairman Rick Bowden.

Hearing on SB 62 - Student Publication Act.

**Representative Gary Blumenthal.** Representative Blumenthal said he introduced a similar bill in 1989 (HB 2234), the Student Freedom of Expression Act. He believes this current bill sends a strong message to Kansas students that the constitutional rights that protect every facet of their lives also protects them in their student publications. By students addressing issues in their own public forum, it is a good learning process in handling problems and issues responsibly. (See Attachment #1.)

**Representative Steve Wiard.** Representative Wiard supports SB 62, stating the bill this bill gives the high school students the opportunity to exercise the Bill of Rights, the foundation of our democracy, and validates the trust we have in their making responsible decision. Representative Wiard introduced his daughter to the committee.

**Erin Wiard.** Ms. Wiard said that having the freedom to explore controversial issues is the reason she supports SB 62, stating that through her journalism experience she has learned that a good journalist is always objective. (See Attachment #2.)

**Billie Hainsey.** Ms. Hainsey related a vandalism story that was reported in her high school newspaper, the Trail Blazer. She stated that a professional newspaper reports all the news, even that which is not pleasant. She asked the committee to vote in favor of SB 62, because she wants all Kansas high school students to possess the rights she enjoys. (See Attachment #3.)

**Jason Phillips.** Mr. Phillips is the chairman of the Kansas Scholastic Press Association Student Board. He stated that with the latitude now given to school and district officials in respect to their ability to limit publications, many of the things that the students need to learn are being denied. He supports SB 62. (See Attachment #4.)

**Colleen McCain.** Ms. McCain said that it would be unreasonable to allow students to print slanderous or offensive material; conversely, also unreasonable to allow administrators to dictate the content of student publications. These being the two extremes, Ms. McCain stated the Student Publications Act represents an equitable compromise that is fair to both administrators and student journalists. (See Attachment #5.)

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on January 23, 1992.

**John Mohn.** Mr. Mohn said that he is a journalism teacher and the owner/publisher of the Ellinwood newspaper, The Leader. He made note of comments in his recent editorial regarding the importance of passing legislation to guarantee First Amendment freedoms for Kansas high school students who work on school publications. He supports Kansas joining four other states that have already passed legislation that protects speech freedoms for students working on school publications. (See Attachment #6.)

**Evelene Hornbuckle Rhue.** Ms. Rhue is a journalism advisor and said journalism students need guidance in making choices about issues, but they need it from objective advisers trained in the field. She stated that the burden of administrators in his state should be to hire trained journalism instructors, and to give them materials and support they need to continue to improve this vital part of education of Kansas students. (See Attachment #7.)

**Carol Dreiling.** As an advisor with 20 years experience, Ms. Dreiling voiced support for SB 62 as amended. She states the provisions of SB 62 will support the journalism advisor, and within its parameters the adviser can establish clear guidance for students and thus set up a healthy educational environment for school publications. (See Attachment #8.)

**Melissa Hollar.** Ms. Hollar said that learning comes with practice. If the practice is advised by educated instructors then there should be no problem. She asked the committee consider SB 62 favorably to allow students to learn and practice responsible journalism. (See Attachment #9.)

**Tony Roach.** Mr. Roach said that in their high school publication the students have been taught and practice journalistic responsibility. As his school enjoys freedom of the press, he asked that SB 62 be passed so his student journalist colleagues from other schools be afforded this same freedom. (See Attachment #10.)

**Mark Tallman.** Mr. Tallman expressed support for SB 62 on behalf of KASB and United School Administrators, stating it is their belief that the bill in its current form, protects the freedom of the student press, while establishing reasonable guidelines. (Mr. Tallman will check with their policy service staff regarding censorship and report to the committee what districts have adopted some type of censorship, and supply copies to the committee.) (See Attachment #11.)

**Gordon Risk.** Speaking in opposition to SB 62, Mr. Risk said the ACLU would accept the bill if lines 2-5 on Page 3 could be excised. (See Attachment #12.)

**Senator Lana Oleen.** In written testimony to the committee, Senator Oleen asks the committee to consider support of the amended version of SB 62, as it better reflects a more coordinated effort from a wide variety of education-related interests. (See Attachment #13.)

**Craig Grant.** In written testimony to the committee, Mr. Grant, in support of SB 62, stated KNEA now thinks the bill is in a form that most educators and education groups will not oppose. (See Attachment #14.)

**John Hudnall.** In written testimony to the committee, Mr. Hudnall states it is difficult to teach freedom when students are not allowed to practice that freedom. (See Attachment #15.)

Representative Reinhardt stated that the students appearing before this committee today have made excellent presentations and is a good indication this country is in good hands.

The next meeting is January 24 in Room 519-S

Upon completion of its business, the meeting was adjourned at 4:55 p.m.

STATE OF KANSAS

LANA OLEEN  
SENATOR, 22ND DISTRICT  
RILEY AND GEARY COUNTIES



TOPEKA

LEGISLATIVE HOTLINE  
1-800-432-3924

SENATE CHAMBER

SENATE EDUCATION COMMITTEE

HONORABLE JOE HARDER, CHAIRMAN

TESTIMONY OF SENATOR LANA OLEEN ON SB 62

Chairman Harder and Members of the Committee:

I would like to thank you for the opportunity to appear before you today as a proponent of SB 62.

As a ~~farmer~~<sup>9</sup> high school publications advisor (newspapers, literary journals, yearbooks) and English composition teacher for 13 years, I have developed a deep respect for student publications which are generated by our Kansas youth. It is most important that students' coverage of material not be suppressed solely because it involves political or controversial subject matter. I respect the maturity of student writers and reporters as well as the working relationships they maintain with their advisers and school administrators.

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

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

Thank you for your consideration of SB 62.

February 7, 1991

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COMMITTEE ASSIGNMENTS

CHAIRMAN: GOVERNMENTAL ORGANIZATION  
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CULTURAL RESOURCES

STATE CAPITOL ROOM 143-N  
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(913) 296-7380

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Billie Hainsey  
Council Grove High School  
*The TrailBlazer* Copy Editor

To the Senate Education Members:

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

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

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

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

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

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

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

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

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

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Senate Education Committee Testimony

Senate Bill 62

February 7, 1991

Denise Neil

I support Senate Bill No. 62 as amended.

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

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

Let me tell you how the Dodger operates.

We produce from 11 to 12 issues a year. They vary from 8 to 16 pages an issue of news stories about what is going on in the school, feature stories dealing with issues of concern to students, opinions of staff columnists and an editorial.

All decisions for the content of the editorial and the stance taken on the subject are made by the editorial board. The editorial board consists of the five top editors on the staff. We meet before each issue and at other necessary times.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

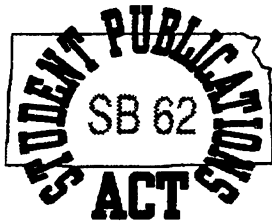
I still believe this, with one exception. I no longer believe keeping my readers informed is my entire purpose.

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

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John Karpinski  
SM Northwest  
February 7, 1991

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

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

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

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

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

Prior to the U.S. Supreme Court Case, *Hazelwood vs. Kuhlmeier* in 1988, dedicated student writers had the opportunity to learn and practice freedom of expression under the guidance of qualified advisers. Now, school administration is free to wield censorial power whenever they see fit. Instead of writing with the intent to inform readers in a fair and unbiased fashion, many student writers must now make pleasing the principal their chief concern. In some cases, the administration will even demand to see every word of copy before it goes to print, and the student publication will become nothing more than a public relations newsletter.

These are the tangible consequences of the ruling, but the underlying tragedy we now face lies in the subtle correlation between freedom and responsibility. Prior to 1988, student journalists had the opportunity to learn and experience constitutional press freedom, a concept that has never meant libel, obscenity, sensationalism or exploitation of controversial issues. At the same time, the journalism advisor was able to teach each student about the responsibility that comes with the exercise of first amendments rights. By stripping the students of these rights, the Court destroyed the basis for dedication to responsible reporting. A student who is no longer in control of deciding what material will go to press has no need to justify his actions, and the sense of responsibility is lost. Most importantly, they learn that constitutional rights are not for them, a lesson that may not be so easily forgotten later in life.

Those who argue against this bill will say that students given freedom are bound to act irresponsibly, and therefore must be controlled. Students are not the irrational people that the opposition to this bill may make them out to be. Newspaper staff members have taken classes on ethics and libel and they have learned how to edit their stories. They avoid writing careless and possibly detrimental stories.

I say that cooperation, not authoritarianism is the answer. A successful publications program is one in which the students editors, adviser, and school administration work together to successfully deal with the coverage of controversial issues.

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

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ACLU on SB 62

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

The Hazelwood decision, which gave high school principals essentially unlimited power to censor what they don't like in "school-sponsored expressive activities," was a civics lesson, as Justice Brennan noted, in "thought control," not in the democratic values of this country.\* We welcome the efforts of the legislature to undo the damage of Hazelwood.

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

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

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