

Spring 2003

Adviser Awareness of the Kansas Student Publication Act (1992)

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DOI: 10.58809/CUBP8193

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ADVISER AWARENESS OF THE KANSAS
STUDENT PUBLICATION ACT (1992)

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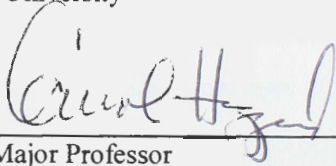
A Thesis Presented to the Graduate Faculty
of the Fort Hays State University in
Partial Fulfillment of the Requirements
for the Degree of Master of Science


by

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Date April 14, 2003

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ABSTRACT

This thesis was a descriptive study examining adviser awareness of the Kansas Student Publication Act (1992) as reported by advisers who were members of the Kansas Scholastic Press Association during the academic year 2002-2003. Because there were no studies prior to the passing of the Act, there was no base line study to determine whether the Act has had an impact since its passing.

For this study, 216 advisers, the complete membership of the Kansas Scholastic Press Association, were either given a cover letter explaining the questionnaire and questionnaire at one of the fall conferences, or mailed a cover letter explaining the questionnaire, a questionnaire, and a business reply envelope. The questionnaire asked questions pertaining to controversial content issues, the number of times stories had been kept from publication, and the adviser's knowledge of the Kansas Student Publication Act (1992). The number of subjects responding to the questionnaire was 123 (57%).

Advisers are aware of the act. Of the 123 respondents, 109 advisers (88.6%) reported they had heard of the Act prior to the survey. This study produced only one statistically significant result: advisers do teach the Act to their students but many feel their students' knowledge is only average. Of the 117 advisers who answered the question, 50 advisers (53.2%) reported their students' knowledge as average; 30 advisers (31.9%) reported their students' knowledge as strong; the other 14 reported students' knowledge as average/weak to weak. Only a small number of advisers reported stories had been kept from publication in the last year due to administration disapproval and respondents did indicate controversial topics were covered in student publications in the last 12 months.

ACKNOWLEDGMENTS

This thesis was possible because of the support of many individuals around me who gave of their efforts even when there seemed to be insurmountable obstacles before all of us. To those who guided me, I offer sincere appreciation.

To Dr. Carrol Haggard, for not only his guidance and expertise in advising, but also for his determination in helping me stay focused on the task at hand. His gentle reminders to finish were so important, especially when it seemed I had been in the department too long. Also, for his time in editing and guiding me through the correct style.

To the members of my graduate committee—Dr. Sue Strohkirch, Mr. Howard Peters, and Dr. Steve Sedbrook—for the suggestions and recommendations along the way.

To Cindy Hertel for her encouragement in doing a similar research project. Loaning me her copy of her thesis allowed me to look up answers to questions without bothering her even though she was always willing to answer the questions I had.

To my mother, Sharon Dodson, for keeping me focused with her reminders of how important I was and that I had to keep #1 at the top of my list. She will never know how important it was just to have her shoulder to cry on when it seemed my thesis would never be complete.

Finally, to my husband, Ron. He endured my mood swings, long nights away from home, and tears of joy and sadness through the various stages of the thesis, including an emotional term of pregnancy. His constant encouragement and pep talks kept me going right up to the end.

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INTRODUCTION

Background

Controversy surrounds student publications throughout the United States. Historically, advisers and student staffs fight censorship from administration over controversial topics and, sometimes, not-so-controversial subjects. The decision to allow students to choose content is difficult for administration because the school wants to promote the positive aspects of the institution. A story in the school newspaper about the negatives of administration does anything but promote positive feelings.

Desilets v. Clearview Regional Board of Education (1994) cited several examples of student censorship in high school publications. One example was published in the Friday, November 12, 1993, edition of the *Cincinnati Enquirer*, in which Tanya Bricking covered a story of a high school student, Amy Herrod, who was fighting for her First Amendment rights as a high school journalist. This example, as well as others, built the case for the plaintiff's argument. In the brief, citations from the landmark Supreme Court case *Tinker v. Des Moines Independent Community School District* (1969) were used. The lawyers wrote, "Students in school as well as out are 'persons' under our Constitution possessed of fundamental rights which the State must respect . . . In our system, students may not be . . . confined to the expression of those sentiments that are officially approved" (*Desilets v. Clearview Regional Board of Education*, 1994, p. 6). In an attempt to prove that the material in the student publication was inappropriately censored, the lawyers continued to argue that no court after *Tinker v. Des Moines Independent Community School District* (1969) allowed censorship without proving that the material disrupted class work or involved substantial disorder or invasion of the rights

of others. While this type of case may sound surprising to some, it is not rare. In 1992, the Student Press Law Center (SPLC) responded to over 1,300 requests from student journalists and their advisers for legal assistance (*Desilets v. Clearview Regional Board of Education*, 1994).

Why do cases like *Desilets v. Clearview Regional Board of Education* (1994) appear in today's courts? They partially happen due to a 1988 Supreme Court decision, *Hazelwood School District v. Kuhlmeier* (1988). This case ruled that school officials do have the right to censor school-sponsored publications (*Hazelwood School District v. Kuhlmeier*, 1988). This ruling came as a blow to the First Amendment rights of high school students. According to Johnson (n.d.), for 20 years before *Hazelwood School District v. Kuhlmeier* (1988), school officials and advisers did have the right to review or restrain the high school press, but within workable limits. Courts across the country had given student journalists extensive First Amendment protections. In fact, of the 25 cases heard in federal court between 1969 and 1984 involving high school journalists, an overwhelming majority ruled in favor of the students (Eveslage, 1998).

What the Court said in the *Hazelwood School District v. Kuhlmeier* (1988) decision was that school officials had discretion over certain areas, a definitive contrast to previous rulings. Student Press Law Center (2001) reported, "The court significantly cut back the First Amendment protections public high school students had been afforded for years" (p. 2). In other words, the rights of public school students are not necessarily the same as those of adults in other settings. The decision listed five restrictions on student journalists. This new standard, while still leaving the burden of justifying censorship on school officials, gave high school administration significantly more authority to censor

than they had under *Tinker v. Des Moines Independent Community School District* (1969). The Court felt, however, this authority was justifiable since the standard in *Tinker v. Des Moines Independent Community School District* (1969) “need not be the standard for determining when a school may refuse to lend its name and resources to the dissemination of student expression (*Hazelwood School District v. Kuhlmeier*, 1988).

Devastatingly, this left the student press in a state of legal anticipation. Many advisers and student editors called the SPLC for clarification; in the first four months of 1990 alone, the number of calls rose 170 % from the same period in 1989 (Student Press Law Center, 2001). However, some First Amendment rights remain for students under *Hazelwood* that limit the ability of school officials to censor (Student Press Law Center, 2001). The Court’s opinion mentions three different criteria that help determine if a student publication can be censored. If a faculty member advises the publication, the publication is designed to impart particular knowledge or skills to student participants or audiences, and the publication uses the school’s name and resources it can be censored (American Civil Liberties Union, 1997). Besides these loopholes, the Court left another option available. State constitutional provisions, state laws, or school board regulations can prevent school officials from prior restraint or review (Student Press Law Center, 2001).

The state of Kansas selected the last option. Looking to “roll back the clutching hands of the *Hazelwood* decision” (D. Adams, personal communication, April 20, 2001), Kansas Student Press Association (KSPA) began drafting legislation in 1988. Senate Bill No. 62 (1991) emerged for presentation during the 1991 legislative session. On February 7, 1992, the bill passed the Kansas House of Representatives with a 79-42 vote. Four

days later it was enrolled and presented to Governor Joan Finney who approved the bill on February 21, 1992 (Kansas House of Congress, 1992). Kansas became the fifth state to guarantee students' free expression rights by state statute (Student Press Law Center, 1992).

While Kansas' public high school students were legally given the freedom of expression without censorship, gray areas remained in the purpose of the bill. In Cinthia A. Hertel's 1995 survey, she found censorship was still occurring, even if only very subtly through editing for grammatical errors. Now ten years after the passing of the Kansas Student Publication Act (1992), the purpose and success of the Act remains in flux, especially after obstacles the Act faced. It is necessary to determine adviser awareness of the Act.

Purpose

The purpose of this thesis is to determine adviser awareness of the Kansas Student Publication Act (1992).

The following research questions will be answered using data from a questionnaire administered to advisers.

RQ1: When and why do advisers discuss potentially controversial topics with administration?

RQ2: Was the frequency to discuss potentially controversial topics with administration higher in advisers who have advised less than 10 years than in advisers who have advised more than 10 years?

RQ3: Was the frequency to discuss potentially controversial topics with administration higher depending on an adviser's certification?

RQ4: Was the frequency to discuss potentially controversial topics with administration higher depending on an adviser's school size?

RQ5: Was the frequency to discuss potentially controversial topics with administration higher depending on whether an adviser advised in a public or private school?

RQ6: Do advisers submit the entire newspaper or yearbook to administration for review prior to publication?

RQ7: Does administration ask to view the newspaper or yearbook prior to publication?

RQ8: Is the frequency of administration to ask to see a publication higher in advisers who have advised less than 10 years than in advisers who have advised more than 10 years?

RQ9: Is the frequency of administration to ask to see a publication higher depending on an adviser's certification?

RQ10: Prior to this survey, have advisers heard of the Kansas Student Publication Act (1992)?

RQ11: What do advisers feel is the role of student publications in their school?

RQ12: What do advisers feel is the policy of student publications at their school?

RQ13: Do advisers feel more controversial topics have been covered in their students' publications since 1992?

RQ14: What controversial topics have been covered in the past year?

RQ15: How many times has a story been kept from publication in the past year?

RQ16: Does an adviser's certification affect whether a story had been kept from publication in the last year?

RQ17: Do advisers teach the Kansas Student Publication Act (1992) either in full or partial to their students?

RQ18: Of those that teach the Act to their students, what do advisers feel is their students' understanding of the Act?

RQ19: Do private schools have a policy similar to the Kansas Student Publication Act (1992) to protect their student publications?

Justification

The First Amendment guarantees the freedom of speech. This right is inherent to the democracy of the United States. Media provides not only a check on the government, but also a voice for the citizens of the United States. High school journalism provides students an opportunity to learn the value of free speech. If students are not afforded the right to freedom of speech due to censorship, they are not able to apply their Constitutional rights. The State of Kansas saw this need in passing the Kansas Student Publication Act (1992). Now ten years after the passing of the Act, it is necessary to determine if the rights granted by it are functioning as intended, understood by publication advisers, and taught to students.

Definitions

For clarity in this study, the following phrases are defined:

Hazelwood School District v. Kuhlmeier (1988). A case decided by the Supreme Court that ruled that if the school had not created a public forum for students, administrators could censor student expression as long as the administrators' actions were reasonably related to pedagogical concerns (*Hazelwood School District v. Kuhlmeier*, 1988).

Kansas Scholastic Press Association (KSPA). According to the official website (Atkinson, 2002), KSPA is a non-profit organization composed of Kansas scholastic

journalism teachers and their students. It focuses on providing journalism education leadership for members as well as a support system through contests, conferences, and scheduled activities.

Student Press Law Center (SPLC). According to the official website (Student Press Law Center, 2003), SPLC is an advocate for student free-press rights and provides information, advice, and legal assistance at no charge to students and educators with whom they work.

REVIEW OF LITERATURE

In reviewing the literature for this thesis, it was necessary to study the following areas: (a) *Hazelwood School District v. Kuhlmeier* (1988), (b) history of the Kansas Student Publication Act (1992), (c) the Kansas Student Publication Act (d) the effects of the Act, and (e) obstacles since passing the Act.

Hazelwood School District v. Kuhlmeier (1988)

Hazelwood East High School in suburban St. Louis, Missouri, published a student newspaper titled the *Spectrum*. The paper was published and distributed every three weeks to more than 4,500 students, school personnel, and members of the community during the 1982-83 school year (*Hazelwood School District v. Kuhlmeier*, 1988). Students wrote and edited the publication, which was funded by the board of education and proceeds from sales of the paper. After typesetting, each issue was checked by the instructor and submitted to the principal for approval (Teeter, Le Duc, & Loving, 1998).

Principal Robert Reynolds was shown proof pages for the May 10, 1983, issue of the *Spectrum*. He objected to publication of two stories, one about student pregnancies and the other about the effect of divorce on students. Believing there was no time for redoing the stories, Reynolds deleted the two entire pages containing the offensive stories. Because the two stories he objected to shared page space with other articles he did not object to, those were also cut (Teeter et al., 1998).

Three students—Cathy Kuhlmeier for which the case was named and two others—sought relief for the violation of First Amendment rights in federal district court. The case upheld that the students' rights had been violated in the federal court but reversed in a court of appeals. It then was heard in the Supreme Court where the Justices

ruled as the district court. Justice White wrote the ruling, stating five criteria for censorship at the discretion of school administration (Teeter et al., 1998).

First, the school could be the publisher (*Hazelwood School District v. Kuhlmeier*, 1988). According to the American Civil Liberties Union (ACLU) (1997), this really depends on whether the school is paying or supplying resources for production of the paper. Second, the administration can censor any expression that does not properly reflect the school's educational mission if there is a reasonable educational justification (*Hazelwood School District v. Kuhlmeier*, 1988). Basically, when a school's decision to censor is "reasonably related to legitimate pedagogical concerns" (Student Press Law Center, 2001, p. 2) censorship will be permissible. The third reason for censoring includes "speech that is ungrammatical, poorly written, inadequately researched, biased or prejudiced, vulgar or profane, or unsuitable for immature audiences" because a "school must be able to set high standards for the student speech that is disseminated under its auspices" (*Hazelwood School District v. Kuhlmeier*, 1988). Fourth, this power to censor could be used to control expression through any school-sponsored activity. Fifth, administration can review student expression in advance of publication (*Hazelwood School District v. Kuhlmeier*, 1988).

To determine when administration could censor student publications, the Court applied the public forum theory. If the school used journalism practices under a public forum model—either by policy or practice opening a publication of unrestricted use by students—the administration could not censor. Therefore, a non-forum, curricular student publication can be reviewed and restrained without specific written guidelines. In contrast, the *Hazelwood* decision does not apply to student publications where student

editors have clearly been given final authority over content decisions or underground, alternative, or some extracurricular student publications. The Court allowed exceptions in the ruling. State constitutional provisions, state laws, or school board regulations can prevent school officials from prior restraint or review (Student Press Law Center, 2001).

History of the Kansas Student Publication Act (1992)

J. Engel (personal communication, February 27, 2001), president of KSPA in 1988, said the drafting of the legislation started because student journalists needed more freedom of expression than they had. The initial bill requested that “the liberty of the press in student publications shall be protected and material shall not be suppressed solely because it involves political or controversial subject matter” (Student Press Law Center, 1992). R. Johnson (personal communication, March 7, 2001), legislative committee chairman for the bill, said this statement helped outline and remind Kansas student press what life was like before the *Hazelwood* decision. Most Kansas advisers and proponents of the bill felt the decision took away confidence in children. C. Danner-Kuhn (personal communication, March 5, 2001), then Hays High School, Hays, Kansas, publications adviser, summarized the feeling of most at the time, saying, “The Supreme Court ruled they had no confidence in the youth of the nation.” Professional press eventually described the bill as an instrument to ensure freedom of speech rights for Kansas’ public school students that were stripped away in the 1988 decision (Landon, 1991, February 7). Overall, drafters and supporters wanted to restore equilibrium to student press in Kansas.

KSPA began the drafting process immediately after *Hazelwood School District v. Kuhlmeier* (1988) (Student Press Law Center, 1992). This turned into a four-year process

(Johnson, n.d.). Kansas State University's, Manhattan, Kansas, Publications Director in 1989, D. Adams (personal communication, April 20, 2001) recalled the first bill was actually drafted by the reviser from the Reviser of Statutes Office in Topeka, Kansas, using consultations from SPLC, KSPA, and other states with similar legislation. Because the advisers and KSPA were legislative novices, the biggest hurdle came from working with the reviser on the initial bill (R. Johnson, personal communication, March 7, 2001). Once the bill was drafted, Johnson and Adams sent a copy to all the advisers in the state to edit, critique, and sign. In the revision, John Mohn, then adviser at Ellinwood High School, Ellinwood, Kansas, helped draft the language (C. Danner-Kuhn, personal communication, March 5, 2001). After the changes in the language, Senate Bill No. 62 (1991) was ready to be presented to the 1991 legislative session. Johnson told the SPLC, "This was a real team effort. Students and teachers responded to the *Hazelwood* decision and were willing to fight it" (Student Press Law Center, 1992, p.4).

The team effort resulted because a variety of people worked for passing the legislation. Senator Lana Oleen, D-Manhattan, served as the principal sponsor of the bill (Senate Bill No. 62, 1991). "We were very fortunate to work with Oleen. She realized the need for a coalition of Republicans and Democrats. She knew the system and kept us calm and on the ball when frustrated," said R. Johnson (personal communication, March 7, 2001). It was this coalition that eventually helped pass the bill. Enough legislators started seeing the wisdom of allowing school papers to use the open forum concept. Also, the Kansas Association of School Boards came around to support the bill once the association realized administrators would be "off the hook" (J. Mohn, personal communication, April 19, 2001). When Senate Bill No. 62 (1991) was presented before

the Education Committee, the ACLU opposed it. However, the ACLU stated it would support the bill if certain language was changed (Senate Bill No. 62, 1991). J. Engel (personal communication, February 27, 2001) explained that the bill was written more liberally than most wanted. However, the changes were made and the ACLU agreed to show support. Surprisingly, only one professional print journalist emerged initially in support of the bill, unlike other professional media journalists. Eventually, however, the Kansas press came around in full support (J. Mohn, personal communication, April 19, 2001). Kansas' strong history of support for freedom of expression and because the backers of the bill were articulate and well prepared also helped the bill's progression (V. Constable, personal communication, April 18, 2001).

Despite the support the bill received, opponents surfaced as well. While the print journalists supported the bill in final stages, during the bill's infancy the print journalists were against the bill and editorialized against it (D. Adams, personal communication, April 20, 2001). Arguments from the professional press stated that even they did not have the freedoms the bill allowed students and that student journalism was not the real world (V. Constable, personal communication, April 18, 2001 and C. A. Hertel, personal communication, April 17, 2001). In a pamphlet written to counter arguments such as this, Mohn and Furse (1991) explained that student journalism is in fact the real world. However, there is an important difference between a private-owned publication and a school-sponsored publication. In the real world, a privately published paper would not allow the mayor to censor the paper. In student journalism, the school administration is like the mayor. Along with the press, several committee members questioned the possible effects of the bill. Representative Al Lane, R-Mission Hills, said that he and other

legislators worried that parents could be held responsible in lawsuits filed for the stories their minor children published. Other legislators held the same worry as the professional press. Representative Bill Reardon, D-Kansas City, wondered whether the bill would give students more freedom than adult journalists (“Students’ Free Speech at Issue,” 1992). Like most opponents, Representative Vince Snowbarger, R-Olathe, attacked the bill, charging that it would allow some stories just short of libelous to be printed (Myers, 1992). Along with the committee members in opposition to the bill, the Kansas National Education Association opposed the bill. They felt too much blame was shifted to the adviser with the original wording (J. Mohn, personal communication, April 19, 2001). Kansas Association of Secondary School Principals also came out against it (Landon, 1991, February 7). Likewise, United School Administrators also opposed the bill stating it was not aware of the need for such legislation (Senate Bill No. 62, 1991). Finally, the biggest challenge was making administrators understand the bill (C. Danner-Kuhn, personal communication, March 5, 2001). Opponents said high school students were not mature enough to handle responsible journalism and the final decision should stay with administrators (Landon, 1991, February 7). Overall, the common litany was to convince educators that students in Kansas were well advised and well educated (V. Constable, personal communication, April 18, 2001). J. Engel (personal communication, February 27, 2001) described the obstacle with an adage: “Principals were afraid of the public, the public was afraid of the parents, and parents were afraid of students.” As the public saw it, students were not ready for that much freedom.

Even with the opposition, the bill passed because of the efforts of those involved. The Kansas Student Publication Act actually came from two different bills. The first bill

did not get past the House (J. Hudnall, personal communication, April 17, 2001). Known as House Bill 2234, this bill stayed alive for most of its two-year cycle (Johnson, n.d.). Representative Gary Blumenthal, D-Merriam, introduced the bill that eventually passed the House with a 99-26 vote. Unfortunately, the bill stalled in the Senate Education Committee (Student Press Law Center, 1992).

In the second two-year cycle of House Bill 2234, the period in which Senate Bill No. 62 (1991) was born, crucial leadership came from Oleen. Engel also worked tirelessly, devoting long hours to phone calls, letters, meetings, and hearings; John Hudnall picked up Engel's crusade after Engel's retirement (Johnson, n.d.). But Engel and Hudnall did not work alone. It took letter writing to each House and Senate member from students, parents, and advisers, as well as direct contact with key committee chairs and other legislators (D. Adams, personal communication, April 20, 2001). In the spring of 1990, the bill went before the Senate Education Committee with limited opposition this time. Unfortunately, the full Senate did not take action and the bill died in the Senate Education Committee in 1990. But through the summer and fall of 1990, KSPA continued lobbying (Student Press Law Center, 1992).

On January 25, 1991, Oleen introduced the bill to the Senate. Three days later it was referred to the Education Committee. After five weeks, the bill passed the Education Committee and the Senate with a vote of 37-2. Just one day after it passed, the House of Representatives referred the bill to their education committee. It rested in committee while testimonies were given both for and against (Kansas House of Congress, 1992). Those involved immediately learned the power of student and adviser testimonies (Johnson, n.d.). While the bill allowed students more freedom of expression, some

students were opposed to it. Journalism students at Topeka High School questioned whether teenagers were responsible enough to handle deciding the content of newspapers. Shawne Frapp, 1991 co-editor of his high school student publication, told the committee, "In high school you need some restraint" (Landon, 1991, February 7).

But the supporting testimony countered the opposition. Students and advisers from high schools throughout the state, including those in Dodge City, Chapman, Lawrence, Council Grove, and Overland Park, testified in favor of the Act during the spring of 1991 (Landon, 1991, February 8). Todd Auldridge, one of the students offering testimony and a 1991 senior at Shawnee Heights High School, Topeka, Kansas, relayed a story of self-censorship to the committee. He said many times he went to the principal's office to make sure the editorials he was writing were acceptable (Landon, 1991, February 7). Another student editor, Jason Phillips of Shawnee Mission Northwest High School, told the panel, "It's going to help student journalists become better journalists . . . it gives more responsibility and teaches [students] how to deal with the responsibility (Student Press Law Center, 1992). Key testimony, however, came from students and advisers under the heat of censorship. For example, the student editor in 1991 at Pittsburg Middle School, Pittsburg, Kansas, was removed from his position and eventually dismissed from school for criticizing the school administration (Johnson, n.d.). It was with these supportive testimonies that the House approved the bill almost one year after its introduction. In February 1992, the Kansas Student Publication Act guaranteed students' free expression (Student Press Law Center, 1992).

While those involved were optimistic about the passing, the approval did not come without compromise or concern. D. Adams (personal communication, April 20,

2001), who had left Kansas by the time the bill passed, felt the publicity surrounding the passage and the early failures brought understanding to why students in public schools should be given and trusted with the responsibility to determine content. Others felt the legislature passed the bill as “feel good legislation” (R. Johnson, personal communication, March 7, 2001). The legislature that year was bogged down in severe education funding questions. Many felt there was a general attitude that the legislature was a do-nothing legislature. Passage of this bill cost nothing and it gave Finney a populous bill to run on (J. Hudnall, personal communication, April 17, 2001). During testimonies, Johnson made a statement concerning the message sent to students about the legislature’s lack of confidence in the youth of the state if the bill did not pass. The legislature did not want to send that message (C. Danner-Kuhn, personal communication, March 5, 2001). However, it was the constant diligence and large network that helped pass the bill (Student Press Law Center, 1992).

Whatever the reasons for passing the bill, the Kansas Student Publication Act (1992)—a freedom enjoyed by students in only five other states—protects students in Kansas. California has had legislation since the 1970’s; Massachusetts made a law on the books that was optional to follow mandatory in 1988; Iowa passed legislation in 1989 followed by Colorado in 1990; and Arkansas joined the select few in 1996 (Student Press Law Center, 1992 and Arkansas Student Publications Act of 1996). Kansas’ protection is specifically defined in a five-part statute beginning with the clarification that the law only applies to the state’s public high schools; private high schools and colleges are not covered under the law (Johnson, n.d.).

Kansas Student Publication Act (1992)

In the first section, the statute outlines what administration can and cannot do. It specifically states that only format may be determined by school officials and material cannot be censored simply because it involves political or controversial subject matter (Kansas Student Publication Act, 1992).

The second section of the Act allows administration prior review, not restraint, of a student publication. Administrators may check and change material that does not meet high standards of English and journalism (Kansas Student Publication Act, 1992). This section was the source of great compromise when the final bill passed. Supporters did not want administration to even have prior review, but it was this compromise that convinced legislators that the bill was in the best interest of schools and students (Student Press Law Center, 1992). Also, this section guarantees student journalists' liberal rights with legal boundaries, preventing prior restraint (V. Constable, personal communication, April 18, 2001). However, students still cannot print whatever they want but are restrained from publishing anything which is libelous or obscene, anything that advocates unlawful behavior, or is substantially disruptive to the school (Mohn, 1991).

Section *c* of the Act prohibits four types of speech: libel, slander, obscenity or matter promoting unlawful activity (Kansas Student Publication Act, 1992). This section allows school officials to censor libel, obscenity, or content that would promote violation of lawful school regulations. Therefore, the Act is not a "blank check" for student journalists to work unchecked (Johnson, n.d.).

Under the fourth section of the statute, students are given control of the subject matter of a student publication (Kansas Student Publication Act, 1992). The Act

specifically allows students to determine the content of news, opinion, and advertising sections (Johnson, n.d.) Therefore, it is the responsibility of the school to hire competent advisers who establish clear guidelines to allow freedom of expression (Mohn, 1991). This section also protects advisers from termination for complying with the Act (Kansas Student Publication Act, 1992).

In the final section of the Act, liability is covered. During the drafting of the bill, one prominent worry of those involved dealt with the responsibility issue (D. Adams, personal communication, April 20, 2001). The Act frees employees of the school district from responsibility. It also states the student publication is not an expression of school policy (Kansas Student Publication Act, 1992). Instead, the students who create the damage shoulder the primary responsibility rather than punishing an administrator or adviser (Mohn, 1991).

The purpose of these five sections is to provide the guidelines for which student press is protected. It discourages random censoring of student journalism while outlining the responsibilities and protections for democratic, educational principles. Student journalism provides an active way to teach democracy (J. Engel, personal communication, February 27, 2001). It encourages better training for students to understand that rights include responsibilities (Mohn, 1991).

Effects of the Kansas Student Publication Act (1992)

In Hertel's 1995 survey, 69% of respondents reported there had been no change in the number of stories kept from publication as a result of the Act. Hertel (1995) also concluded 31% were able to print material that had been previously censored. In the same 1995 survey, 87% of student publications reported a story was never kept from

publication because of potential legal problems (Hertel, 1995). The Act allows an adviser freedom to work in areas that are not clearly libelous or obscene (J. Mohn, personal communication, April 19, 2001).

Even with the successes of the Act, censorship was still occurring in 1995 (Hertel, 1995). Hertel (1995) also concluded 45% percent of advisers still had principals review content because advisers were not confident the Act would protect them (Hertel, 1995). Others felt the administrators do not fully understand the Kansas Student Publication Act (1992). C. Danner-Kuhn (personal communication, March 5, 2001) said she felt school newspapers are viewed as public relations tools and not as newspapers in the truest sense. Therefore, the amount of freedom of expression students enjoy depends on how much the administration knows about the law (C. A. Hertel, personal communication, April 17, 2001).

Advisers do believe students receive a better journalism experience because they are allowed to think for themselves (C. Danner-Kuhn, personal communication, March 5, 2001). Also, advisers do a better job of teaching libel (J. Mohn, personal communication, April 19, 2001). In 1995, over 80% of principals and advisers in the state were unaware of the Act and 71% of schools viewed the student newspaper as an open forum for student expression (Hertel, 1995). A student editor wrote an editorial to a professional newspaper in 1998 stating that his small, conservative school district attempted to exert control over student reporters and editors. Without the Kansas Student Publication Act, his viable student expression would have been suppressed (Lenkner, 1998).

As of 1995, effects of the Act had not been realized. Hertel's 1995 study reported censorship was still occurring, though slight, even with the passing of the Kansas Student

Publication Act (1992) and reported that some advisers were still discussing potentially controversial topics with administration even with a law on the books to protect them.

Obstacles of the Act since its passing

In contrast to the positive benefits of the Act, negative effects materialized. Statewide, some high school papers changed significantly. One member of the Kansas Scholastic Press Association board in the years just after its passing believed some schools, rather than contend with unrestricted content, opted out of newspaper publishing when an adviser retired or left the district (V. Constable, personal communication, April 18, 2001). In the view of C. Danner-Kuhn (personal communication, March 5, 2001), new administrators do not understand the Act without training and, because of this, newspapers are becoming public relations tools rather than newspapers. Student editors' views of the role of newspapers are also an obstacle. This reason, in part, stems from the fact that a slight majority (52%) of student editors across the state are aware of the Act (Hertel, 1995). This lack of knowledge can lead to poor journalism practices. For example, in a 4A student publication published in April 2001, a student wrote that student journalists can print whatever they want, an incorrect interpretation of the Act (J. Mohn, personal communication, April 19, 2001).

Another obstacle the Act has faced is the language employed. In particular is the unnecessary use of the word "slander," which defines spoken libel and the Act only covers written speech. Another unclear area is the definition of obscene (J. Mohn, personal communication, April 19, 2001).

In 1993, the first of two challenges to the Act caused by the language was brought before legislation. A bill introduced in February of 1993 asked for the language dealing

with the liability part of the Act to be removed. This challenge died in judiciary committee (Kansas House of Congress, 1994).

Four years later, the Act faced its second and strongest challenge. On February 13, 1998, Senator Laurie Bleeker, R-Great Bend, introduced Senate Bill No. 669 (1998). Bleeker believed the Act was not clear whether anyone had authority to stop the publication of offensive or libelous material (McLean, 1998). Therefore, the bill and its proponents sought to tighten the Kansas Student Publication Act (1992). In the amended bill, wording changed from "encouragement of the expression of such material in a manner that is consistent" to "revision or correction of such material to comply with" and added "nothing in the section shall be deemed to prohibit the board of education of a school district or the employees thereof from establishing written guidelines that define high standards of English and journalism applicable to a student publication" (Senate Bill No. 669, 1998). In other words, the law would have allowed school officials to define what constitutes "high standards of English and journalism" (Student Press Law Center, 1998), leaving the doors open to censorship.

The proposal of Senate Bill No. 669 (1998) resulted from an incident at Great Bend High School (GBHS), Great Bend, Kansas, in 1997. Alexis Vanasse, student editor of *Panther Tales* at GBHS, wrote a column criticizing school administrators for allowing students who had prominent parents to escape punishment for rules violations. The debate touched off by the column led then Principal Mike Hester to order the editorial page removed from the paper (McLean, 1998). New guidelines were constructed when the ACLU stepped in. These guidelines for GBHS gave final authority over content to a

review panel (Student Press Law Center, 1997-98). The ACLU viewed the school's action as out-of-compliance with the existing Act (Watkins, 1998).

The bill died in committee and was withdrawn in May 1998 (Kansas House of Congress, 1998). According to R. Johnson (personal communication, March 7, 2001), it was only a matter of time before the incident at GBHS unfolded because student press is always controversial. "Bleeker was using a high school press controversy to advance her own political career. But the challenge gave a chance to look at the Act again." said R. Johnson (personal communication, March 7, 2001). Most believe that this timing of the challenge was fortunate because it occurred after the passing of the original bill, which also resulted from fortunate timing. Because legislature has changed, proponents feel today's legislators would not accept or pass the Kansas Student Publication Act (1992) (J. Hudnall, personal communication, April 17, 2001).

Because of these obstacles, it is necessary to examine adviser awareness of the Kansas Student Publication Act (1992). Since it has been ten years since the passing of the Act, it is also necessary to look at whether advisers are still teaching the Act to students.

METHODOLOGY

Restatement of Purpose

The purpose of this thesis is to determine adviser awareness of the Kansas Student Publication Act (1992).

Subjects

The subjects were middle and secondary public and private school publication advisers whose schools were members of the Kansas Scholastic Press Association during the 2002-2003 school year. The total membership of the KSPA equaled 217; a total of 216 questionnaires were mailed or distributed to advisers. Surveys returned equaled 123 (57%).

Apparatus

The questionnaire, based on Hertel's (1995) survey from the study *Perceived Effects of the Kansas Student Publication Act*, contained questions about demographic information and student expression information (see Appendix D). A letter accompanied the questionnaire to the subjects (see Appendixes B & C). The first section includes questions on size and makeup of school population, position of respondent, prepublication review, and type and frequency of publication (see Appendix D). The second section includes questions on (a) the role of student publications to determine if the school follows the Kansas Student Publication Act (1992), (b) school policy about content, (c) publication content since the Kansas Student Publication Act (1992) to establish if a change has occurred in topics covered, (d) possible controversial subjects the publication covers that are typically censored to determine if the publication tests the boundaries laid out in *Hazelwood v. Kuhlmeier* (1988), and (e) adviser competence and

use of the Act (see Appendix D). Respondents were given and filled in the bubble of a scantron answer sheet for the letter of the answer that best represented their opinion about each statement or question.

Procedure

Phase 1. An e-mail communication (see Appendix A) seeking permission to survey middle and high school student publications advisers attending the KSPA Fall Conferences at Fort Hays State University, Kansas State University, and the University of Kansas was e-mailed to John Hudnall, KSPA Director. After permission from John Hudnall was granted for the three conferences and specifically the University of Kansas, e-mails were sent seeking permission to administer the survey to Linda Putney and Linn Ann Huntington, directors of the Kansas State University and Fort Hays State University conferences.

Phase 2. On September 25, 2002, a cover letter (see Appendix B), and survey (see Appendix D) was distributed to all advisers attending the adviser's meeting at Fort Hays State University. Participants were asked to complete the survey before leaving the meeting and return the completed surveys to a sealed box with a slot in the top to protect anonymity placed near the meeting exit. This process was completed again on September 26, 2002, at Kansas State University and September 27, 2002, at the University of Kansas. A total of 38 responses were returned of the 39 in attendance at the meetings.

Phase 3. Due to the small number of completed responses, a mailing containing a cover letter (see Appendix C), the survey, and a business reply envelope was mailed to 216 of the 217 members of the Kansas Scholastic Press Association on November 26, 2002. A total of 85 surveys were returned.

Phase 4. The data from the surveys were compiled using SPSS. The statistical analysis test *chi-square* for Independence was used to determine the relationship, if any, between the categories of subjects and responses to the individual survey item. Test significance was set at the .05 level of probability. Percentiles were used to analyze this study.

Phase 5. Results of the survey was presented to the researcher's thesis committee and the graduate department chair. Participants in the survey as well as other members of KSPA attended a de-briefing of the study at the state KSPA adviser's meeting on May 3, 2003.

RESULTS

The researcher distributed surveys to advisers attending fall conferences and mailed surveys to advisers whose schools were members of the Kansas Scholastic Press Association during the academic year 2002-2003. Journalism advisers were asked to complete the questionnaire. A total of 123 of 216 (57%) surveys were completed and returned. It should be noted that not all subjects answered all survey questions; therefore, not all survey response sizes equal 123.

One area the survey was designed to explore was whether advisers discussed potentially controversial content issues with administration. Questions #8 and #9 asked advisers if they did discuss potentially controversial content issues with administration and why they did so. The completed surveys indicated that 40 of 123 advisers (32.5%) discussed potentially controversial content with administration every time the topics arose; 38 advisers (30.9%) discussed potentially controversial content with administration only when the issues were libelous or obscene or contained matter promoting unlawful activity; 34 advisers (27.6%) never discussed potentially controversial content with administration; two advisers (1.6%) occasionally discussed potentially controversial content with administration; and only one adviser (1%) reported discussing potentially controversial content with administration often.

To answer RQ1, Table 1 displays reasons why advisers discussed potentially controversial content issues with administration and when they did so. Three options of why—written school policy, precautionary measures only, or a combination of both—was cross-tabulated with when—every time potentially controversial issues arose, only

when unprotected speech was present, occasionally, or often. Data was taken from Questions #8 and #9.

Table 1

When and why do advisers discuss potentially controversial topics with administration?

	School policy	Precautionary measure only	Either policy or precaution	Total
When Every time	2 (5%)	36 (90%)	2 (5%)	40 (100%)
Only unprotected speech	2 (5.6%)	34 (94.4%)		36 (100%)
Occasionally		2 (100%)		2 (100%)
Often		1 (100%)		1 (100%)
Total	4 (5%)	73 (92.4%)	2 (2.6%)	79 (100%)

The results indicated 73 of 79 advisers (92.4%) had discussed potentially controversial content issues with administration for precautionary measures only. The calculated *chi-square* value $\chi^2(6, N = 123) = 2.179, p = .9$ did not exceed the critical value; therefore, there was no statistically significant difference.

Table 2 shows a cross-tabulation of when advisers discussed potentially controversial content issues with administration and the number of years advising, which answers RQ2. Data was taken from Questions #1 and #8.

Table 2

Was the frequency to discuss potentially controversial topics with administration higher in advisers who have advised less than 10 years than in advisers who have advised more than 10 years?

When	Year or less	2 – 10 years	11 or more years	Total
Every time	1 (2.5%)	26 (65%)	13 (32.5%)	40 (100%)
Unprotected speech only	3 (7.9%)	16 (42.1%)	19 (50%)	38 (100%)
Never	3 (8.8%)	18 (53%)	13 (38.2%)	34 (100%)
Occasionally		1 (50%)	1 (50%)	2 (100%)
Never			1 (100%)	1 (100%)
Total	7 (6%)	61 (53.1%)	47 (40.9%)	115 (100%)

There was no statistically significant difference in the results. The calculated *chi-square* value $\chi^2(8, N = 123) = 6.534, p = .5$. Sixty-one of 115 of advisers (53.1%) with 2 – 10 years advising experience discussed potentially controversial content issues with administration every time the matter arose; however, 46 of 115 advisers (40%) with more than 10 years advising experience only discussed potentially controversial content issues with administration when unprotected speech was present.

Table 3 shows the results of RQ3, or when advisers discussed potentially controversial content issues with administration versus the type of certification held by the adviser. Data was compiled by a cross-tabulation of Questions #4 and #8.

There was no statistically significant difference $\chi^2(16, N = 123) = 8.775, p = .9$. Advisers with certification in both English and Journalism reported discussing potentially controversial content issues with administration more frequently—from every time to unprotected speech only to often to occasionally—than other types of certification.

Table 3

Was the frequency to discuss potentially controversial topics with administration higher depending on an adviser's certification?

	English Only	English and Journalism	Journalism Only	Business Only	Other	Total
Every time	8 (20%)	23 (57.5%)	1 (2.5%)	1 (2.5%)	7 (17.5%)	40 (100%)
Unprotected speech	8 (21%)	19 (50%)	5 (13.2%)	1 (2.6%)	5 (13.2%)	38 (100%)
Never	5 (14.7%)	15 (44.1%)	4 (11.8%)	2 (5.9%)	8 (23.5%)	34 (100%)
Occasionally		2 (100%)				2 (100%)
Often		1 (100%)				1 (100%)
Total	21 (18.3%)	60 (52.2%)	10 (8.7%)	4 (3.4%)	20 (17.4%)	115 (100%)

Table 4 shows a cross-tabulation of when advisers discussed potentially controversial content issues with administration and the school size classification to answer RQ4. Questions #7 and #8 were used to compile the data.

Table 4

Was the frequency to discuss potentially controversial topics with administration higher depending on an adviser's school size?

When	School Classification					Total
	1 – 2A	3A	4A	5A	6A	
Every time	8 (20%)	5 (12.5%)	12 (30%)	8 (20%)	7 (17.5%)	40 (100%)
Unprotected speech	12 (31.6%)	7 (18.4%)	12 (31.6%)	4 (10.5%)	3 (7.9%)	38 (100%)
Never	7 (20.6%)	6 (17.6%)	9 (26.5%)	4 (11.8%)	8 (23.5%)	34 (100%)
Occasionally	1 (50%)	1 (50%)				2 (100%)
Often		1 (100%)				1 (100%)
Total	28 (24.3%)	20 (17.4%)	33 (28.7%)	16 (13.9%)	18 (15.7%)	115 (100%)

The *chi-square* value $\chi^2(16, N = 123) = 14.157, p = .5$ did not reveal a significant statistical difference. Data shows there is little difference between school classifications and times advisers discuss potentially controversial content issues with administration. To answer RQ5, Table 5 shows when advisers discuss potentially controversial content

issues with administration and the type of school, either public or private. Questions #6 and #8 were used in the cross-tabulation.

Table 5

Was the frequency to discuss potentially controversial topics with administration higher depending on whether an adviser advised in a public or private school?

When	Public	Private	Total
Every time	35 (87.5%)	5 (12.5%)	40 (100%)
Unprotected speech	33 (86.8%)	5 (13.2%)	38 (100%)
Never	32 (94.1%)	2 (5.9%)	34 (100%)
Occasionally	2 (100%)		2 (100%)
Often	1 (100%)		1 (100%)
Total	103 (89.6%)	12 (10.4%)	115 (100%)

There was no significant statistical difference in the calculated *chi-square* value $\chi^2(4, N = 123) = 1.586, p = .8$. Private school advisers reported discussing potentially controversial content issues with administration both every time the issues arose and

when unprotected speech was present: only 2 (5.9%) reported they never discussed potentially controversial content issues with administration.

RQ6 asked whether advisers submitted the entire newspaper or yearbook to administration for review prior to publication. Question #13 of the questionnaire asked advisers this question. Only 3 of 123 advisers (2.5%) reported they submit the newspaper to the administration prior to publication for review; therefore, the majority of advisers (68.9%) did not submit the newspaper for review. Thirty-six advisers (28.6%) did not answer the question. Likewise, only two advisers (1.6%) reported they submit the yearbook to the administration prior to publication while the majority of advisers (78.9%) do not. Twenty-four advisers (19.5%) did not answer the question.

To answer RQ7, questions #14 and #19 were used. Question #14 asked advisers if the principal ever asked to view the newspaper prior to publication. Fourteen of 123 advisers (11.4%) responded affirmatively that principals did ask to view the newspaper prior to publication. Thirty-six advisers (29.2%) did not answer the question while 73 of 123 advisers (59.3%) said the administration did not ask to see the newspaper prior to publication. Yearbook advisers, 94 of 123, showed a higher percent (76.4%) that said they did not have administration ask to see the yearbook prior to publication; only 6 of 123 advisers (4.9%) reported the administration asked to see the yearbook. Twenty-three advisers (18.7%) did not answer the question.

Questions #1 and #14 were used to cross-tabulate results between principals asking to see the newspaper prior to publication and the number of years an adviser had been advising as asked in RQ8. The calculated *chi-square* value $\chi^2(2, N = 123) = 1.104$, $p = .5$ did not show a statistically significant difference between administration asking to

see the newspaper prior to publication and the number of years an adviser who had been advising. Only eight advisers (6.5%) that had been advising 2 – 10 years reported they were asked to show the newspaper to the administration prior to publication while six advisers (4.9%) who had been advising 11 or more years were asked. Of the respondents that had been advising 2 – 10 years, 36 advisers (29.3%) had not been asked while 32 advisers (26%) that had been advising 11 or more years had not been asked to show the newspaper to the principal.

To provide additional results for RQ8, questions #1 and #19 were used to cross-tabulate the answers between principals asking to see the yearbook prior to publication and the number of years an adviser had been advising, but they did not show a statistically significant difference $\chi^2(2, N = 123) = 1.9, p = .3$ between administration asking to see the yearbook prior to publication and the number of years an adviser had been advising. Only six advisers (4.9%) reported the administration asking to see the yearbook prior to publication, all having advised two or more years.

RQ9 asked if the frequency of administration to ask to see a publication was higher depending on an adviser's certification. Questions #4 and #14 were used to analyze cross-tabulation between principals asking to view the newspaper prior to publication and the type of certification held by an adviser. Only one adviser (1%) with English only and one adviser (1%) with Journalism only certification reported the administration asked; ten advisers (8.1%) with English and Journalism certification reported the administration asked; and two advisers (1.6%) with other certifications reported the administration asked. Advisers with Business only certification were not asked by administration to see the newspaper prior to publication. However, the

calculated *chi-square* value $\chi^2(4, N = 123) = 1.799, p = .7$ did not show a statistically significant difference.

Likewise, to provide more results for RQ9, a cross-tabulation of whether principals asked to view the yearbook prior to publication and the type of certification of the adviser, questions #4 and #19 were used. Two advisers (1.6%) with English only and one adviser (1%) with Journalism only certification reported the administration asked; three advisers (2.4%) with other certifications reported the administration asked. Advisers with English and Journalism and Business only certification were not asked at all by administration to see the yearbook prior to publication. However, the calculated *chi-square* value of 7.299 with 4 degrees of freedom, and a probability .1 did not show a statistically significant difference.

Question #20 asked advisers if they had heard of the Kansas Student Publication Act (1992) prior to the survey to answer RQ10. Of the 123 advisers that completed the survey, 109 advisers (88.6%) responded they were aware Kansas had passed the Kansas Student Publication Act (1992). Fourteen (11.4%) had not heard of the Act prior to the survey.

On the topic of the role of student publications at their schools, question #24 asked advisers to identify the most important one to answer RQ11. Forty-four of 123 advisers (35.8%) feel the most important role of the student publications in their school are tools for teaching journalism skills while 29 advisers (23.6%) reported the most important role of the student publication is a means for student expression. A total of 28 advisers (22.8%) feel the most important role of the student publication is to offer information about school activities.

RQ12 asked advisers what they felt the policy was of student publications at their school. Question #25 asked advisers to choose a description that best described the student publications policy at their school. The majority of advisers, or 73 of 123 (59.3%), feel their schools' student publications policies are open forums that are edited for good taste. Thirty advisers (24.4%) feel their schools' student publications policies are open forums; 15 advisers (12.2%) feel their schools' student publications policies are not a forum; and only one adviser (.8%) has no opinion about his/her school's student publications policy.

To answer RQ13, question #27 of the survey was used. Advisers reported no change in the number of controversial topics covered since 1992 (54.5%) more often than more controversial topics covered or less controversial topics covered. Those reporting more, 23 of 123 respondents (18.7%), were higher than those reporting less, only 2 of 123 advisers (1.6%).

To get an understanding for controversial topics covered in the last 12 months, questions #28 and #29 asked advisers to identify those topics covered by their students' publications as asked in RQ14. Controversial topics covered in the last year include alcohol use, AIDS, divorce, drugs and drug use, and teenage sexuality. Sixty-eight advisers (55.3%) reported coverage of these five topics. Additional topics covered by student publications include tobacco use, administrative decisions, school discipline, teaching practices of teachers in the school, zero tolerance policy, regulations on school dances, filtering, language, and driving practices. Eighty-six advisers (69.9%) reported coverage on the additional topics. A combination of administrative decisions and school discipline were topics most frequently reported (15.4%) by 19 of 123 advisers as

controversial topics covered in the last year. These two topics and tobacco use were the second highest combination (10.6%) of controversial topics covered as reported by 13 of 123 advisers.

Question #30 asked how many times in the last year a story was kept from publication due to administration disapproval to answer RQ15. The vast majority, 110 of 123 advisers (89.4%), reported no stories had been kept from publication in the last 12 months due to administration disapproval. Six advisers (4.9%) reported 1 – 3 stories had been kept from publication in the last 12 months due to administration disapproval. Of these six advisers reporting stories kept from publication, the topics covered alcohol use, teenage sexuality, teaching practices of teachers in the school, administrative decisions, school discipline, tobacco use, and driving practices.

To answer RQ16, Table 6 shows a cross-tabulation between questions #4 and #30. Question #30 asked advisers to identify the number of times a story had been kept from publication while question #4 asked the type of certification of the adviser.

There was not a significant statistical difference $\chi^2(2, N = 123) = .833, p = .6$. Only 6 advisers (5.2%) of the 116 that answered the question reported stories held from publication due to administration disapproval.

Table 6

Does an adviser's certification affect whether a story had been kept from publication in the last year?

Type of certification	Times story was not published	
	0 times	1 – 3 times
English only	19 (90.5%)	2 (9.5%)
English and Journalism	58 (98.3%)	1 (1.7%)
Journalism only	10 (90.9%)	1 (9.1%)
Business only	4 (80%)	1 (20%)
Other	19 (95%)	1 (5%)
Total	110 (94.8%)	6 (5.2%)

To answer RQ17, Question #21 asked advisers if they taught the Act either in full or partial to their students. On the subject of teaching the Kansas Student Publication Act (1992) to students, 95 of 123 advisers (77.2%) reported they do while 26 of 123 advisers (21.2%) reported they do not teach the Act. Only one adviser (.8%) reported he or she teaches some of the Act.

Table 7 shows the cross-tabulation of advisers teaching the Kansas Student Publication Act (1992) and student understanding of the Act. Questions #21 and #23 were used to obtain the results. This table shows the results for RQ18.

Table 7

Of those that teach the Act to their students, what do advisers feel is their students' understanding of the Act?

Explain Act	Student Understanding				Total
	Strong	Average	Weak	Average/weak	
Yes	30 (31.9%)	50 (53.2%)	13 (13.8%)	1 (1.1%)	94 (100%)
No		1 (4.5%)	21 (95.5%)		22 (100%)
Some			1 (100%)		1 (100%)
Total	30 (25.6%)	51 (43.5%)	35 (29.9%)	1 (1%)	117 (100%)

The calculated *chi-square* value $\chi^2(6, N = 123) = 59.065, p = .000$ showed a statistically significant difference between advisers who taught the Act and their students' understanding. Of the 117 advisers who answered the question, 50 advisers (53.2%) reported their students' knowledge as average; 30 advisers (31.9%) reported their students' knowledge as strong; the other 14 (14.9%) reported student knowledge as average/weak to weak.

To answer RQ19, Question #26 asked private school advisers to indicate whether their school had a policy similar to the Kansas Student Publication Act (1992). On the topic of private school advisers at a school with a similar policy to the Kansas Student Publication Act (1992), 12 of 123 respondents were from a private institution: 2 of these advisers (16.6%) reported their school had a similar policy; 5 advisers (41.7%) reported their school did not; and 5 advisers (41.7%) did not answer the question.

Results analyzed adviser certification, number of years advising, type of school, and school size classification against various types of situations such as submitting publications to the administration prior to publication. Some questions were cross-tabulated to gain these results.

DISCUSSION

This study was designed to determine adviser awareness of the Kansas Student Publication Act (1992) as reported by advisers who were members of the Kansas Scholastic Press Association during the academic year of 2002-2003. Having reviewed the existing literature, implemented the methodology, and examined completed questionnaires, the following conclusions about adviser awareness of the Kansas Student Publication Act (1992) were drawn.

Conclusions

The Act states that advisers cannot be held liable for student-determined content. However, advisers reported discussing potentially controversial content issues with administration as precautionary measures only. There was no statistically significant difference between number of years advising, type of certification, school size classification, or type of school. Since 78 advisers (63.4%) reported discussing potentially controversial topics with administration, this may be an indication of two things: advisers are not confident the Act would protect them or are conducting an act of courtesy by telling administration of possible problems.

Certification affected an adviser discussing potentially controversial content issues with administration. There was not a statistically significant difference in the results, but advisers with certification in English and Journalism discussed controversial content issues with administration a total of 37% more than other certifications. Thirty-six advisers did not answer the question pertaining to whether or not they submit the entire newspaper to the principal to review. The researcher can only speculate why this question was left unanswered by so many. However, it is possible that advisers

may not be aware that according to the Act, a publication can be reviewed prior to publication, not restrained. To avoid appearing unknowledgeable about the Act, advisers may have chosen not to answer the question.

Newspaper advisers reported administration asking to see the newspaper prior to publication more frequently than yearbook advisers; however, this number was only 14 of the total 123 advisers (11.4%) while the yearbook number was even less, six advisers (4.9%). Again, number of years teaching and certification did not affect whether administration asked to see the newspaper or yearbook prior to publication. The survey did not ask why administration asked to see the publications. Administration that asked may simply have been asking to show an interest in student work. Also, the Act does not say the administration cannot ask to see the publication. Prior review is allowed under the Kansas Student Publication Act (1992); prior restraint is not permitted.

The majority of advisers, 109 of the 123 (88.6%), reported they had heard of the Kansas Student Publication Act (1992) prior to the questionnaire. However, 44 of 123 advisers (35.8%) feel the most important role of the student publications in their school is a tool for teaching journalism skills while only 29 advisers feel the most important role of student publications in their school is a means of student expression. Even though most advisers replied they had heard of the Act, most did not feel their student publications were a means for student expression which the Act promotes.

Most advisers see their student publications as open forums, with 103 advisers (83.7%) reporting their student publications policies are open forums and 73 advisers (59.3%) stating their open forums are edited for good taste. The Act implies that publications that follow an open forum are exempt from the *Hazelwood* decision;

therefore, the majority of student publications from this survey would be protected even if the Act was not law in Kansas.

As in Hertel's (1995) study, advisers reported overall no change in the number of controversial topics covered since the passing of the Kansas Student Publication Act (1992). There were some advisers, 23 total (18.7%) that reported an increase in the number of controversial topics covered by staffs since the passing of the Act in 1992. This increase may indicate advisers feel confident the Act will protect them. Factors outside the Act may also be the reason more controversial topics are covered. A more liberal society allows for topics such as divorce to be written about.

Advisers also reported controversial topics were being covered. These topics include alcohol use, AIDS, divorce, drugs and drug use, teenage sexuality, tobacco use, administrative decisions, school discipline, teaching practices of teachers in the school, zero tolerance policy, regulations on school dances, filtering, language, and driving practices. However, while most advisers reported these were topics covered, six advisers reported stories containing content over alcohol use, teenage sexuality, teaching practices of teachers in the school, administrative decisions, school discipline, tobacco use, and driving practices were kept from publication because of administration disapproval. The questionnaire did not ask advisers to specify why stories had been kept from publication. The Act states that stories grammatically poor can be kept from publication. This reason may be why stories were not published. The researcher can only speculate on why stories were not published due to administration disapproval. The low number of advisers reporting stories kept from publication, however, may mean the Act is doing its intended job.

As shown in Table 6, only six advisers reported stories withheld from publication in the last year due to administration disapproval. In the past 12 months, the majority of advisers, 110 of 123 (89.4%) reported no stories had been kept from publication. An adviser's certification or number of years teaching did not affect whether a story was kept from publication. This may indicate the Act is doing the job intended since a small minority reported a story was kept from publication.

As shown in Table 7, most advisers, 95 of 123 (77.2%), reported they do teach the Kansas Student Publication Act (1992) to their students. Of those that do teach the Act, 50 advisers (53.2%) feel their students' understanding of the Act is average and 30 advisers (31.9%) feel their students' understanding is strong. These results could indicate one of several possibilities. Either the students feel the concept of the Act is too technical, they do not care, or the advisers do not teach very well. Since the survey did not ask advisers to rate their teaching ability of the Act or the students' attitudes, it is not possible to determine the students' understanding of the Act.

Although private schools are not covered by the Kansas Student Publication Act (1992), advisers in these types of schools were asked to complete the survey. Of the 12 private schools that answered the questionnaire, only two advisers (16.7%) reported their school had taken steps to protect student publications with a policy similar to the Kansas Student Publication Act (1992). Private school advisers may not understand that the legislation can cover them if they have a policy on the books.

Results from this study indicate advisers were aware of the Kansas Student Publication Act (1992). Advisers reported an increase in the number of controversial topics covered and only a small number reported stories had been kept from publication.

Even though advisers discuss potentially controversial content issues with administration, it does not mean they are not aware of the Act. In fact, the majority of advisers responding to the survey said they had heard of the Act prior to receiving the questionnaire.

Limitations of study

One limitation of this study is subjects sampled. Only the members of the Kansas Scholastic Press Association during the 2002-2003 year were selected to receive the survey. Of the 123 advisers (57%) that responded, some were from the same school. Therefore, a true representation of the 620 middle and high schools across the state was not attained.

A second limitation of the study is advisers failing to return completed surveys because of the fear of being reprimanded by their schools for reporting unfavorable results. One adviser at one of the fall conferences told the researcher she would not complete the survey for this reason because she had been censored since the passing of the Act. Although the questionnaire stated the anonymity of the respondent would be protected, some respondents may not have been confident their responses would remain confidential.

Likewise, some respondents may have answered untruthfully to certain questions because of the demand characteristic of wanting to appear knowledgeable. For example, Question #20 asked advisers if they had heard of the Kansas Student Publication Act (1992) before the survey. Some respondents may have answered yes to appear knowledgeable on the subject and not suffer embarrassment for not knowing.

Another limitation to the study is the wording of some questions in the questionnaire. After the questionnaires were completed, it became evident to the researcher that some questions did not offer enough choices or offer appropriate choices for the respondents. Several questionnaires were returned with additional information added in place of the choices offered on the questionnaire such as the Question #8 where advisers wrote in two other responses in addition to the three given.

Not specifying an amount of time in some questions is another limitation of the study. While the questionnaire asked whether certain controversial topics were covered in the last year and whether staffs covered more controversial topics since the passing of Kansas Student Publication Act (1992), it did not ask advisers to specify whether they discussed potentially controversial content issues with administration since the passing of the Act, only if they had at their current school. Therefore, advisers at schools longer than 11 years may have reported over the span of their career, not just since the passing of the Act.

This study may have looked at too many options for one study. Future studies may look only at the impact of the Act on newspapers or yearbook, but not both. Asking for information on both types of publications in the same survey left many questions unanswered. This was especially true in the case of questions pertaining only to newspaper advisers or questions pertaining only to yearbook advisers.

Implications for further study

This study did not explore whether the Kansas Student Publication Act (1992) is successful, only whether there is adviser awareness of the Act. Even though this study showed interesting results, such as advisers with certain types of certification over other

types showing the publication to administration, it would be beneficial to know whether the Act does the intended purpose.

R. Johnson (personal communication, March 7, 2001) indicated weaknesses of the Act include areas that could be improved. While the Act is law, there is no penalty to the violation of the Act, only the shame of breaking the law. The bill clearly spoke to the intent that students should have control of the student media, however, it was "watered" down to suit liability concerns (D. Adams, personal communication, April 20, 2001). Many wished for stronger language and the removal of permission to allow administration prior review (Student Press Law Center, 1992). Therefore, it would be interesting to look at how the language affects the Act.

Only four other states have similar legislation to the Kansas Student Publication Act (1992). Comparing the acts and how they affect student publications is another area for future study. In addition, it would be interesting to note how the advisers in different states feel about the protections offered in the acts.

This survey looked at adviser awareness of the Kansas Student Publication Act (1992) 10 years after its passing. A replication of the study in another 10 years would be valuable to see if how, if at all, the awareness of the Act has changed. In addition to the replication, studying the level of adviser knowledge of the Act would be beneficial.

Another implication of the study is whether principals have an awareness of the Act. Also, it would be interesting to study their understanding of the Act as well as their interpretation of it. Since prior review is allowed by the Act, it would be interesting to see how many administrators use this privilege and how many simply use the "hands-off" approach with their schools' student publications.

The Kansas Student Publication Act (1992) does not protect private schools.

Analyzing the policies private schools use or evaluating why private schools do not have a policy similar to the Act is another option for future study.

Even though this study looked at only adviser awareness, some recommendations to the Kansas Scholastic Press Association can be made. First, it may be necessary to increase the number of workshops about the Act at the annual fall conferences. These workshops may need to be designed for students only, advisers only, or both entities together to cover the aspects of the Act. A second suggestion is for the association to incorporate a contest at the annual regional and state contests over student knowledge of the Act. Often, students are more likely to learn about a difficult concept if they are to be tested over it.

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APPENDIX A

Letters for and of permission to administer survey

Dear John Hudnall:

I am completing a Master of Science degree in Communication at Fort Hays State University. Currently, I am writing a thesis entitled *Impact of the Kansas Student Publication Act*.

As a publications adviser, I am interested in what extent high school journalists and their publications are protected under the Kansas Student Publication Act and the extent advisers realize they are protected. As a new adviser six years ago, I was surprised to learn how very little I knew about the Act. It is this surprise that prompted my idea for this study.

To complete the requirements for this project, I am asking middle and secondary high school student publications advisers to complete a survey pertaining to student expression rights. I would like to administer the survey during the adviser meetings held during the KSPA Fall Conferences at Fort Hays State University, Kansas State University, and the University of Kansas. The survey will take only a few minutes of the adviser's time. After the study is completed, I would like to de-brief participants and others about the results at the state KSPA adviser's meeting on May 3, 2003, in Lawrence, Kansas. I am seeking your permission as KSPA Director to do so.

If it is possible for me to attend and administer the test at these meetings, please let me know with written permission by September 6, 2002, via e-mail communication.

Sincerely,

Latisha D. Haag

From: "Hudnall, John C" <kspa@ukans.edu>
To: 'HAAG' <HAAGL@tmp-m.org>
Date: 9/11/02 10:44AM
Subject: RE: Permission

Latisha,

I don't have a problem with that. The KU adviser meeting is at 10 a.m. Friday, Sept. 27 in the Oread Room of the Kansas Union.

John

Lecturer in Journalism
 Director, Kansas Journalism Institute
 Executive Director, Kansas Scholastic Press Association
 School of Journalism
 200 Stauffer-Flint Hall
 University of Kansas
 Lawrence, KS 66045
 785-864-7625
 FAX: 785-864-5945

> _____

> From: HAAG
 > Sent: Tuesday, September 10, 2002 4:04 PM
 > To: kspa@UKANS.EDU
 > Subject: Permission

>

> Dear John Hudnall:

> I am completing a Master of Science degree in Communication at
 > Fort Hays State University. Currently, I am writing a thesis entitled
 > Effectiveness of the Kansas Student Publication Act.

> As a publications adviser, I am interested in what
 > extent high school journalists and their publications are protected
 > under the Kansas Student Publication Act and the extent advisers realize
 > they are protected. As a new adviser six years ago, I was surprised to
 > learn how very little I knew about the Act. It is this surprise that
 > prompted my idea for this study.

> To complete the requirements for this project, I am asking
 > middle and secondary high school student publications advisers to
 > complete a survey pertaining to student expression rights. I would like
 > to administer the survey during the adviser meetings held during the
 > KSPA Fall Conferences at Fort Hays State University, Kansas State
 > University, and the University of Kansas. The survey will take only a
 > few minutes of the adviser's time. After the study is completed, I
 > would like to de-brief participants and others about the results at the
 > state KSPA adviser's meeting on May 3, 2003, in Lawrence, Kansas. I am
 > seeking your permission as KSPA Director to do so.

> If it is possible for me to attend and administer the test at
 > these meetings, please let me know with written permission by September
 > 6, 2002, via e-mail communication.

> Sincerely,

> Latisha D. Haag

>

>

From: <lhunting@fhsu.edu>
To: "HAAG" <HAAGL@tmp-m.org>
Date: 9/11/02 2:25PM
Subject: Re: Fwd: RE: Permission

Dear Latisha:

You certainly have my permission to address advisers during an advisers' session at Fort Hays State University on Sept. 25, provided such a session is held.

Three of the four board members that I have contacted to lead the meeting have told me they are not coming (Cindy Moore, Irene Dirks and Liz Ballard). I have received no response to the two e-mails I have sent Brenda Day of St. Francis. I have tentively set the meeting for 1 p.m. to accommodate John Hudnall and the KSPA president, Linda Drake (so that it doesn't conflict with the sessions they are teaching). I suppose one of them could lead the session if no board members are available. If I don't hear from Brenda soon, I will probably call Linda and ask her to lead it. You are certainly welcome to speak to the advisers.

Linn Ann

From: <Bdayteach@aol.com>
To: "HAAG" <HAAGL@tmp-m.org>
Date: 9/13/02 12:21PM
Subject: Re: Fwd: RE: Permission

Dear Latisha:

I think that it would be fine for you to speak to the group after the business meeting is concluded. I am looking forward to seeing you in Hays on the 25th!

Brenda

From: Linda Puntney <lindarp@spub.ksu.edu>
To: "HAAG" <HAAGL@tmp-m.org>
Date: 9/11/02 2:10PM
Subject: Re. Permission

>Latisha,

The advisers meeting at K-State will be in the Council Chamber of the Student Union from 11.10-12:10.

Linda

>Linda,

>

>Please read the following e-mail between me and John Hudnall. I would

>like to be added to the agenda for the adviser's meeting at Fall

>Conference. Please let me know the time and the location

>

>Thank you,

>Latisha

>Received: from jay.mail.ku.edu

> by tmp.tmp-m.org; Wed, 11 Sep 2002 10:43:58 -0500

>Received: by jay.mail.ku.edu with Internet Mail Service (5.5.2653.19)

> id <SWXB8MPL>; Wed, 11 Sep 2002 10:43:57 -0500

>Message-ID: <06EB4CB0225B3F498418311D9L6A28AA01CD0E89@bluebird.mail.ku.edu>

>From: "Hudnall, John C" <kspa@ukans.edu>

>To: 'HAAG' <HAAGL@tmp-m.org>

>Subject: RE: Permission

>Date: Wed, 11 Sep 2002 10:43:48 -0500

>MIME-Version: 1.0

>X-Mailer: Internet Mail Service (5.5.2653.19)

>Content-Type: text/plain

>

>Latisha,

>

>I don't have a problem with that. The KU adviser meeting is at 10 a.m.

>Friday, Sept. 27 in the Oread Room of the Kansas Union

>

>John

>

>Lecturer in Journalism

>Director, Kansas Journalism Institute

>Executive Director, Kansas Scholastic Press Association

>School of Journalism

>200 Stauffer-Flint Hall

>University of Kansas

>Lawrence, KS 66045

>785-864-7625

>FAX: 785-864-5945

>

>

APPENDIX B

Letter to Subjects Attending Fall Conferences

Dear Student Publications Adviser:

I am completing a Master of Science degree in Communication at Fort Hays State University. Currently, I am writing a thesis entitled *An Examination of the Impact of the Kansas Student Publication Act*.

As a publications adviser myself, I am interested in to what extent high school journalists and their publications are protected under the Kansas Student Publication Act and the extent advisers realize they are protected. As a new adviser six years ago, I was surprised to learn how very little I knew about the Act. It is this surprise that prompted my idea for this study.

To obtain the information needed to complete the requirements for my thesis, I ask you complete the attached survey. Responses to the survey will remain anonymous and have no bearing on your position as an adviser. If you feel uncomfortable at any time during the survey, you may stop the process. Once you have completed the survey, place it through the slot in the box next to the exit of the meeting. Please return the questionnaire by the conclusion of the adviser's meeting. Numbers on the survey and scantron are used only to match surveys to answer sheets in the event you need to write in an answer. These numbers will not be linked to you or your school.

Once the study has been completed, I plan to share the results with you at the state KSPA adviser's meeting on May 3, 2003, in Lawrence, Kansas.

Thank you for taking the time to complete this survey and help me in fulfilling the requirements for this project.

Sincerely,

Latisha D. Haag

APPENDIX C

Letter to Subjects Via Mail and E-mail

Dear Student Publications Adviser:

I am completing a Master of Science degree in Communication at Fort Hays State University. Currently, I am writing a thesis entitled *An Examination of the Impact of the Kansas Student Publication Act*.

As a publications adviser myself, I am interested in to what extent high school journalists and their publications are protected under the Kansas Student Publication Act and the extent advisers realize they are protected. As a new adviser six years ago, I was surprised to learn how very little I knew about the Act. It is this surprise that prompted my idea for this study.

To obtain the information needed to complete the requirements for my thesis, I ask you complete the enclosed survey. Responses to the survey will remain anonymous and have no bearing on your position as an adviser. If you feel uncomfortable at any time during the survey, you may stop the process. Numbers on the survey and scantron are used only to match surveys to answer sheets in the event you need to write in an answer on the questionnaire. These numbers will not be linked to you or your school.

In order to further insure anonymity, the surveys should be returned using the enclosed postage paid envelope to the Communication Department at Fort Hays State University by December 18, 2002. The surveys will be separated from the envelope before they are given to me. If you completed this survey during one of the three adviser's meetings during the Fall Conferences, please do not complete a new survey.

Once the study has been completed, I plan to share the results with you at the state KSPA adviser's meeting in Lawrence, Kansas, or you may contact me at Thomas More

Prep-Marian High School, 1701 Hall St., Hays, KS, 67601, after May 3, 2003 to obtain a copy of the results.

Thank you for taking the time to complete this survey and help me in fulfilling the requirements for this project.

Sincerely,

Latisha D. Haag

Dear Adviser:

In December you should have received a survey regarding the Kansas Student Publication Act (1992). The deadline for the survey was Dec. 18th but many have not been returned.

If you have not completed the survey, please take time to read through and complete the survey. The survey will be in no way linked to you or your school and will be used only to obtain aggregated data. As stated in the survey, you may at any time opt not to finish the survey if you feel uncomfortable.

If you have already completed and returned the survey, thank you. You may disregard this e-mail notification.

The results of the survey will be shared at the adviser's meeting during state competition in Lawrence on May 3, 2003.

Sincerely,

Latisha D. Haag

APPENDIX D

Instrument

The purpose of this survey is to gather data relating to student expression and censorship. Please fill in the letter on the scantron next to the answer that best suits you or your school. If the answer asks “other” please write your response on the line provided on the survey sheet. Answers will remain anonymous and be used only to obtain aggregated data and you may end the survey at any time.

1. How long have you been a publications adviser?
 - a. 1 year or less
 - b. 2 – 10 years
 - c. 11 or more years
2. How long have you been a publications adviser at your current school?
 - a. 1 year or less
 - b. 2 – 10 years
 - c. 11 or more years
3. How long has your current principal been at your school?
 - a. 1 year or less
 - b. 2 – 10 years
 - c. 11 or more years
4. Which best describes your subject certification?
 - a. English only
 - b. English and Journalism
 - c. Journalism only
 - d. Business only
 - e. Other _____

5. Which best describes your responsibilities as publications adviser?
 - a. journalism courses, newspaper, and yearbook during school hours
 - b. newspaper and yearbook courses only during school hours
 - c. newspaper course only during school hours
 - d. yearbook course only during school hours
 - e. publications as an activity outside school hours

6. Type of high school:
 - a. public
 - b. private

7. Which classification best describes your school?
 - a. 1A – 2A
 - b. 3A
 - c. 4A
 - d. 5A
 - e. 6A

8. Have you discussed potentially controversial content issues with administration prior to publication at your current school?
 - a. every time they arose
 - b. only when the issues were libelous, obscene, or matter promoting unlawful activity
 - c. never

9. If you answered *a* or *b* in 8, for what reason(s)? Choose all that apply. (If you answered *c*, skip to 10.)
- written school policy
 - precautionary measures only
10. Newspaper advisers, how frequently is the student newspaper published? (If not a newspaper adviser, skip to question 15.)
- bi-monthly
 - approximately once a month
 - 6 – 8 times/year
 - 3 – 5 times/year
 - 1 – 2 times/year
11. What is the nature of participation for students on the newspaper staff?
- receive academic credit
 - participate in as an extracurricular activity
12. Which of the following best describes the criteria a student must meet to be on the newspaper staff?
- newspaper is an extracurricular activity and anyone can be on staff
 - any student can enroll in newspaper class
 - students must complete a prerequisite journalism course before enrolling in newspaper class
 - students must complete a prerequisite journalism course before participating on staff

13. Do you submit the entire newspaper to the principal to view prior to publication?
- yes, the entire newspaper is reviewed by the principal
 - no, the entire newspaper is not reviewed by the principal
14. Has the principal ever asked to review the newspaper prior to publication?
- yes
 - no
15. Yearbook advisers, when is the student yearbook published? (If not a yearbook adviser, skip to question 20.)
- summer delivery
 - fall delivery
 - spring delivery
16. What is the nature of participation for students on the yearbook staff?
- receive academic credit
 - participate as in an extracurricular activity
17. Which of the following best describes the criteria a student must meet to be on the yearbook staff?
- yearbook is an extracurricular activity and anyone can be on staff
 - any student can enroll in yearbook class
 - students must complete a prerequisite journalism course before enrolling in yearbook class
 - students must complete a prerequisite journalism course before participating on staff

18. Do you submit the entire yearbook to the principal to view prior to publication?
- a. yes, the entire yearbook is reviewed by the principal
 - b. no, the entire yearbook is not reviewed by the principal
19. Has the principal ever asked to review the yearbook prior to publication?
- a. yes
 - b. no
20. Before you received this survey, were you aware that in 1992 Kansas passed the Student Publication Act?
- a. yes
 - b. no
21. Do you explain the Kansas Student Publication Act to students, either in full or partial?
- a. yes
 - b. no
22. If you answered yes in 21, what class or activity do the students learn about the Kansas Student Publication Act? (If you answered no, skip to question 23.)
- a. introductory journalism class
 - b. newspaper
 - c. yearbook
 - d. all journalism classes I teach
 - e. as the issue arises

23. What do you feel is your student's understanding of the Kansas Student

Publication Act?

- a. strong
- b. average
- c. weak

24. Which best describes your school's most important role of student publications?

- a. public relations tool for the school
- b. means for student expression
- c. tools for teaching journalism skills
- d. information about school activities

25. Which best describes your school's student publications policy?

- a. open forum
- b. open forum that is edited for good taste
- c. no forum
- d. no policy

26. Private school advisers, does your school have a written policy similar to the

Kansas Student Publication Act or no policy pertaining to student expression? (If

not a private school adviser, skip to question 27.)

- a. written policy
- b. implied policy by practice
- c. no policy

27. Since 1992, has your staffs, both current and past, covered more controversial topics in student publications than before 1992?

- a. more
- b. less
- c. no change

28. Circle the topics from the list below your school's student publications have covered in the last 12 months:

- a. alcohol use
- b. AIDS
- c. divorce
- d. drugs and drug use
- e. teenage sexuality

29. Circle the topics from the list below your school's student publications have covered in the last 12 months:

- a. tobacco use
- b. administrative decisions
- c. school discipline
- d. teaching practices of teachers in the school
- e. other _____

30. How many stories have been kept from publication in the last 12 months due to administration disapproval?

- a. 0
- b. 1–3
- c. 4–6
- d. 7 or more