



+PHOTO BY ERIN HENTON

# CONFISCATING OUR RIGHTS

SMSD can't continue to take away students rights to free speech and freedom of the press.

Forty-nine years ago, the Supreme Court decided that students should maintain their First Amendment rights at school in the landmark court case *Tinker v. Des Moines Independent Community School District*. In 1992, the Kansas legislature reaffirmed that decision with the passage of the Kansas Student Press Act which gave both content control and content liability to Kansas student journalists.

In spite of years of 1st Amendment protections for students, the Shawnee Mission School District representatives infringed on students' freedom of the speech during the National School Walkout last April.

A month later, the American Civil Liberties Union (ACLU) filed a lawsuit on behalf of three students against SMSD "for censoring student protests and violating students' free speech rights," according to the ACLU website. Administrators from Hocker Grove and SM North

allegedly prohibited students from mentioning gun violence in their planned speeches and confiscated cameras used by journalism students to document the event.

The walkouts coincided with the 19th anniversary of the Columbine High School massacre, but the protests took on a different meaning in the wake of the tragic Parkland school shooting. Protesters planned to spend 17 minutes out of class, a minute for each victim who died at Marjory Stoneman Douglas H.S. At SMSD schools, students who organized the walkouts had to give a description of the event to administrators and were instructed not to mention key terms like "gun violence," "gun reform" or "school shootings."

"This was very clearly about a certain type of violence that happens in schools," Kansas ACLU legal director Lauren Bonds said. "It's not about other types of legitimate safety issues that happen in schools: this

was about school shootings. So, to try to censor students and not allow them to talk about shootings, gun reform and political issues was really the problem."

The students who organized the events at SM North agreed not to talk about gun violence for the original 17 minutes. After that time passed, more than 100 students continued to protest, deciding to talk about the actual issue at hand. The students then brought up the subject of gun violence and reform.

When this happened, North administrators let the students continue their protest, but didn't let a student journalist continue to photograph the event. Assistant principal Brock Wenciker then confiscated the student's camera during the event, claiming that since it was school property he could take

it. He later returned the camera to the student after school had ended.

At Hocker Grove, students didn't even get to protest for the full scheduled 17 minutes before assistant principal Alisha Gripp abruptly ended the event after students spoke about gun violence. After students refused to return to class when they were told, Gripp proceeded to direct and push students toward the doors. Multiple students received suspensions and detentions for being "disruptive."

Almost 30 years after Kansas legislators voted to protect the 1st Amendment rights of students, censorship continues to occur. The district not only tried to prevent the students' attempt at civil disobedience by making organizers write out their protest schedule, but denied the students free speech and free press rights.

SMSD chief communications

officer David Smith said that "students have the same rights as adults do." If the district really feels this way, then why don't they admit that what they did was wrong? They instead decided to say that the district was within its rights because the words of protesting students could have been construed as representing the opinions of the district as a whole. Moving forward, SMSD should to create a plan of action to prevent unconstitutional actions of administrators like the ones on April 20.

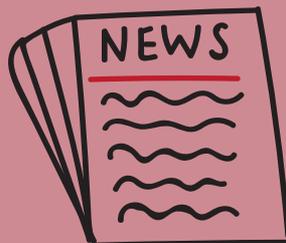
"There needs to be a very clear policy that states political speech cannot be censored just because it is controversial," Bonds said. "I think there also needs to be training that clearly articulates to administrators and staff what students' rights are. As problematic as some of the administrators' actions were on the day of the walkout, you can't expect them to know how to handle some of these situations without proper training."

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for against



Here is the link for the story about the lawsuit and events that happened.

<https://www.aclukansas.org/en/cases/students-v-shawnee-mission-unified-school-district>



More information on the ACLU vs Shawnee Mission School District lawsuit

<https://www.kansascity.com/news/local/article212263714.html>



Update on SMSD fighting the suit and the case brief here.

<https://www.aclukansas.org/en/press-releases/smsd-seeks-dismissal-aclus-june-lawsuit>