



# COLBY FREE PRESS

## Impaired experience



TISHA COX/Colby Free Press

Colby High School student Katie Strange, behind the wheel of a go-cart, listened while Terry Bryan of Pro-Tech Driving School, Inc. of Hutchinson explained how the remote-controlled cart works in the school parking lot today. The go-cart was used to simulate impaired driving, and was one of many activities as part of "No Way 2 Alcohol CHS Prom Activity Day" that illustrated the dangers of underage drinking and impaired driving. The Prevention Center, CHSI, Students Against Destructive Decisions, Thomas County Sheriff's Office and SOS sponsored the day.

## Failed motion leaves high school in limbo

By Tisha Cox

Colby Free Press

The absence of Colby School Board member Kevan Taylor proved to be the reason why the board did not hold a vote approving Mitch Beims as the new high school assistant principal and activities director.

During its meeting Monday, the board had a recommendation from the search committee naming Beims, a high school teacher and wrestling coach, but a second to the motion never happened.

Board member Stan Molstad made a motion to accept the recommendation, however, for lack of a second, the motion died.

"I expected some support and didn't get any," Molstad said. "And that's about all I can say."

Taylor and board member Gerry Fulwider were not at the meeting. Taylor was in Phoenix, Ariz., on a business trip.

"I absolutely would have seconded the motion made by Molstad," Taylor said today.

"I don't know what's going on now."

During the meeting, the board held three executive sessions totaling an hour to discuss personnel matters.

Taylor was attempting to contact Superintendent Kirk Nielsen to find out the details of the executive sessions since he was not in attendance.

Beims said Tuesday he wasn't sure what to make of the board's action.

"I'm confused," he said.

Beims said he interviewed for the position April 9, and was one of three candidates.

After the interview, he was contacted by the search committee and offered the job, pending board approval.

"I was told I had to make a deci-



M. Beims



T. Rogers

sion by 6 p.m. the next day. I accepted the position," he said.

Thursday, Beims met with Superintendent Kirk Nielsen, high school principal Rocky Robbins and middle school principal Robb Ross to go over his duties.

Beims said Nielsen told him to attend Monday's board meeting "because the board wanted to see me after its vote," he said.

Beims isn't the only one in a quandary.

Robbins is head of the search committee and said they are unsure what to do next.

"The committee will meet and we will go from there," he said.

Robbins said the group started a search for a new activities director and assistant principal in February after the resignation of Jeff Quenzer.

About 20 people applied for the job. Beims was the only local applicant.

Robbins declined to name the members of the search committee, and comment on the board's action. According to Colby School Board President Tracy Rogers, he and Molstad were the board members on the committee. Other members include Robbins, Ross, Nielsen and high school teacher Nancy Rundel.

Nielsen said the board didn't make a motion to form a search committee, but he asked for a couple of board members, administrators and a teacher to help with

the search process.

"Those people were involved because they are the ones who will be working closely with the activities director/assistant principal," he said. "The committee's recommendation of Beims was one of consensus, and Beims is qualified for the job."

Rogers confirmed Beims was the committee's recommendation.

"It's the search committee's job to present a candidate to the board for approval," he said.

"I hope to have the position filled soon, and I don't yet know what the committee's next move will be."

Rogers said during the meeting he didn't think the board should even be looking for an activities director.

"Quenzer shouldn't have been let go, but that's all in the past now," he said.

Taylor said he talked to board member Joel Powell after returning to Colby. According to Taylor, Nielsen told Powell not to talk to him.

"They can't tell me what happened," Taylor said. "I guess I'm not privy to what happened in executive session because I wasn't there."

"I was absolutely shocked when I found out what happened. I couldn't believe it."

He expected Beims' approval to be a "slam dunk deal."

Taylor wondered why Rogers didn't second Molstad's motion so the issue could at least go to a vote. Nielsen said today he wasn't sure if the board president can second a motion, or make a motion. According to the Kansas Association of School Boards, a board president can make or second a motion.

Fulwider said he can't explain the board's action.

"I don't know anything about it," he said.

## Thomas County Commissioners light up courthouse

By Jan Katz Ackerman

Colby Free Press

Pressure from smoking employees caused Thomas County Commissioners Monday to change their mind about building a smoking section near the courthouse.

Mary Cech, Kathy Cunningham, Glenda Hellus and Lori Wicks told commissioners Ron Evans, Paul Steele and Ken Christiansen they didn't think it was good politics to force them or anyone doing business at the courthouse to smoke away from entrances or in their cars.

The four women reminded the commis-

sioners on Dec. 12 they voted to build a place out of the elements where employees, attorneys, jury members or members of the public could smoke. The women didn't like the fact on April 10 commissioners changed their mind and forced employees and others to smoke across the parking lot or in their cars.

Evans said costs of building an enclosed structure prompted last week's action by the board.

"I'm convinced," Evans said, "In my opinion, if we had a shelter out there that 360 plus days a year you wouldn't be in that shelter smoking, especially when it's nice."

"So you want us to go out and smoke no matter what the conditions are?" asked Cech. She said she recently became a non-smoker but was lending support to her fellow employees.

"That's not a fair statement," Evans said.

Hellus raised concerns smoking on courthouse grounds that has buffalo grass and not frequently watered could present a fire hazard by careless smokers.

"We'll discuss it," Evans said, "but I'm really going to be an unhappy camper if people aren't using (a shelter) if we agree to build one."

Cunningham said employees who

smoked didn't expect an elaborate building, just something out of the wind and snow or rain.

Cech reminded the commissioner they "had a plan" and smoking employees wanted them to carry through with it.

"We had a plan, but sometimes plans change," Evans said.

Seeking more input, commissioners asked courthouse maintenance man Jim McGuire to come to the meeting.

McGuire said he could construct a three-sided shelter next to the lawn shed for about \$200.

Evans asked about gasoline or flam-

mable materials which might be in the lawn shed and how smoking near it would affect the county's property.

McGuire said he'd already checked with the fire department and been advised if those materials could be put in an old refrigerator they'd be safe.

He also checked with the state's historical society and determined how he could construct such a shelter and not detract from the historical value of the courthouse and adjoining properties.

"Go ahead and get it done," Christiansen said. Evans and Steele also voted in favor of the construction.

## Federal judge rules against Kline in juvenile sex reporting case

WICHITA (AP) — In a decision hailed as a victory for adolescent privacy rights, a federal judge ruled Tuesday that health care providers and others are not required to report all underage sexual activity between consenting youths as sexual abuse.

U.S. District Judge J. Thomas Marten granted a permanent injunction in the case filed by the Center for Reproductive Rights, a New York advocacy group, in their constitutional challenge to Attorney General Phill Kline's interpretation of the state's mandatory reporting law.

Marten ruled that a plain reading of the Kansas statute gives mandatory reporters discretion to determine whether to suspect a child has been injured as a result of sexual abuse.

"Contrary to defendants' claims, a prosecutor is not in a better position to make an initial determination of 'injury,' as required by statute, than is a health care professional," Marten wrote.

The lawsuit stems from Kline's

2003 opinion that the state's 1982 mandatory reporting law requires doctors, nurses, counselors, teachers and others to tell authorities about consensual sex by underage youths. In Kansas, the age of consent is 16.

The Center for Reproductive Rights contends that forced reporting discourages adolescents from seeking counseling and medical treatment and violates their right to informational privacy.

The attorney general's office contends the statute requires mandatory reporting because sex is inherently harmful to underage children. Simon Heller, attorney for the Center for Reproductive Rights, called the ruling an important victory for young people in Kansas and across the United States.

"It is the first ruling recognizing the United States Constitution gives protection — constitutional protection — to the informational privacy rights of young people in health care," Heller said.

Heller said such privacy rights already had been extended to adults

seeking health care.

"Few, if any, courts have been asked to address this because no one prior to Phill Kline has ever even suggested that the government should have all information about sexual behavior that is being provided health care providers," Heller said.

Kline said he had not had a chance to read the opinion and had not decided whether to appeal it to the 10th U.S. Circuit Court of Appeals in Denver. Kline was in Washington on Tuesday, preparing for U.S. Supreme Court arguments on Kansas' death penalty law.

But Kline said of Marten's ruling, "It's not unexpected. It's what we've been predicting."

The ruling does not change the law or policy as it has been applied in Kansas since 1982, and upholds both, Marten said. Every case in which there is a reasonable suspicion of injury caused by abuse must continue to be reported to SRS. The case is not about whether adult sexual predators will escape detection, the judge said.

## Mumps outbreak moves west

By Jan Katz Ackerman

Colby Free Press

Thomas County Health Nurse

Juanita Gatz is keeping a close eye on what state and federal officials are saying about mumps cases progressing further west into Kansas.

Mumps has been reported as close to Colby as Gove County. Tuesday, 124 cases of mumps are in 24 Kansas counties including Gove, Rooks, Norton and Ellis.

Kansas is among a handful of Midwest states experiencing an increase in mumps cases. Iowa is experiencing an outbreak and currently reports more than 800. Nebraska also has more than 70 cases.

"The blessing with this disease is if people have had immunizations and kept them on schedule the majority of the public should



J. Gatz

be protected," Gatz said.

"Anyone not having two measles, mumps and rubella vaccinations needs to come in and get one."

"We have vaccine available."

Gatz said mumps is transmitted through saliva, coughing, sneezing or being in close contact of the person for an hour.

Mumps is usually a relatively mild viral infection.

Symptoms include fever, swelling and tenderness in glands around the neck and jaw.

Gatz said laboratory tests are helpful in diagnosis of mumps, especially if symptoms are not typical, if a person has been vaccinated or had the disease in the past.

Once a person contracts mumps they are considered contagious from three days prior to symptoms appearing to four days following the appearance of symptoms.

Although rare, mumps can be severe and result in long-term illness including meningitis, deafness and sterility in men.

She said the measles, mumps and rubella vaccination, known as the MMR, is required for kindergarten school entry in Kansas.

"The first vaccination is given in by the age of 15-months, with the second given before a child enters kindergarten," Gatz said. "But I'm finding out there are adults who have never had a MMR."

"If a person has never had a MMR they need to get their first now."

"If they've had their first they need to get their second now."

As of Tuesday, the Kansas Department of Health and Environment had received reports of 104 confirmed or probable cases of mumps in 22 Kansas counties. Sharon Watson, public information officer with the department, said health departments across the state are also investigating an additional 16 patients with potential symptoms of mumps.

Besides Gove County, mumps had been reported in northwestern counties of Rooks and Norton counties.

For information or questions about mumps, either stop by the Thomas County Health Department, 350 S. Range Ave., Colby, or call (785) 460-4596.