
A BILL FOR AN ACT

RELATING TO STUDENT JOURNALISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that states may enhance
2 the protections guaranteed by the First Amendment of the United
3 States Constitution through state laws and regulations. The
4 legislature further finds that the Hawaii Student Free
5 Expression Act will provide student journalists attending Hawaii
6 public schools with additional protection against censorship.

7 The purpose of this Act is to allow student journalists at
8 public schools to exercise freedom of speech and freedom of the
9 press in school-sponsored media.

10 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
11 amended by adding a new section to part II to be appropriately
12 designated and to read as follows:

13 "§302A- Hawaii Student Free Expression Act. (a) As
14 used in this section:

15 "School-sponsored media" means any material:

16 (1) Prepared, written, published in print or online, or
17 broadcast by a student journalist at a public school;



1 (2) Distributed or generally made available, either free
2 of charge or for a fee, to members of the student
3 body; or

4 (3) Prepared under the direction of a student media
5 advisor,
6 regardless of whether the material is supported financially by
7 the public school or by use of facilities of the public school
8 or produced in conjunction with a class in which the student is
9 enrolled. "School-sponsored media" does not include material
10 intended for distribution or transmission solely in the
11 classroom in which the material is produced.

12 "Student journalist" means a public school student who
13 determines, gathers, compiles, writes, edits, photographs,
14 records, or prepares information and advertising for
15 dissemination in school-sponsored media.

16 "Student media advisor" means an individual employed,
17 appointed, or designated by a public school to supervise or
18 provide instruction relating to school-sponsored media.

19 (b) A student journalist shall be allowed to exercise
20 freedom of speech and freedom of the press in school-sponsored



1 media and shall not be disciplined for acting in accordance with
2 this section.

3 (c) Nothing in this section shall be construed to prevent
4 a student media adviser from teaching professional standards of
5 English and journalism to student journalists or determining
6 grades and credit for such purposes.

7 (d) Nothing in this section shall be construed to
8 authorize or protect student expression that:

9 (1) Is libelous or slanderous;

10 (2) Constitutes an unwarranted invasion of privacy;

11 (3) Is obscene; or

12 (4) Incites students to create a clear and present danger
13 of the commission of an unlawful act, the violation of
14 school or board policies, or the material and
15 substantial disruption of the orderly operation of the
16 school.

17 (e) There shall be no prior restraint of material prepared
18 for school-sponsored media except insofar as it violates this
19 section. School officials shall have the burden of showing
20 justification without undue delay prior to a limitation of
21 student expression under this section. If the prescribed time



1 for review elapses without a decision, the material prepared for
2 school-sponsored media shall be considered authorized.

3 (f) No publication or other expression of material by
4 student journalists in the exercise of rights under this section
5 shall be deemed to be an expression of the school, board, or
6 department. No state agency, member of the board, officer of
7 the department, or employee of any agency or the board shall be
8 held responsible in any civil or criminal action for the
9 publication or other expression of material by student
10 journalists in the exercise of rights under this section.

11 (g) A student media advisor shall not be dismissed,
12 suspended, disciplined, reassigned, transferred, or otherwise
13 retaliated against for:

14 (1) Acting to protect a student journalist engaged in
15 conduct protected under this section; or

16 (2) Refusing to infringe on conduct that is protected by
17 this section."

18 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 2019.

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INTRODUCED BY:

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H.B. NO. 1529

Leyla Delgado

JAN 24 2019



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Report Title:

Hawaii Student Free Expression Act; Student Journalists; DOE

Description:

Allows student journalists at public schools to exercise freedom of speech and freedom of the press in school-sponsored media.

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