
A BILL FOR AN ACT

RELATING TO STUDENT JOURNALISM.

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

1 SECTION 1. This Act shall be known and may be cited as the
2 Hawaii Student Journalism Protection Act.

3 SECTION 2. The legislature finds that states may enhance
4 the protections guaranteed by the First Amendment of the United
5 States Constitution through state laws, rules, and regulations.
6 The legislature further finds that student journalists attending
7 Hawaii public schools and the University of Hawaii need
8 additional protection against censorship, and that advisors need
9 additional protections against retaliation for refusing to
10 illegally censor student journalists.

11 Pursuant to the exclusive jurisdiction of the legislature
12 to identify laws of statewide concern, granted under article X,
13 section 6, of the Hawaii State Constitution, the legislature
14 further finds that allowing student journalists at the
15 University of Hawaii to exercise freedom of speech and freedom
16 of the press in school-sponsored media and protecting their



1 advisors from retaliation for refusing to censor their students
2 is a matter of statewide concern.

3 The purpose of this Act is to establish the Hawaii Student
4 Journalism Protection Act in order to:

5 (1) Allow student journalists at public schools and the
6 University of Hawaii to exercise freedom of speech and
7 freedom of the press in school-sponsored media; and

8 (2) Protect advisors from retaliation for refusing to
9 infringe upon student press freedom.

10 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 **"§302A- Student journalists; school-sponsored media.**

14 (a) A student journalist shall be allowed to exercise freedom
15 of speech and freedom of the press in school-sponsored media and
16 shall not be disciplined for acting in accordance with this
17 section. A student journalist shall be responsible for
18 determining the news, opinion, feature, and advertising content
19 of school-sponsored media.

20 (b) Nothing in this section shall be construed to prevent
21 a student media advisor from teaching professional standards of



1 English language use and journalism to student journalists or
2 determining grades and credit for those purposes.

3 (c) Nothing in this section shall be construed to
4 authorize or protect student expression that:

5 (1) Is libelous or slanderous;

6 (2) Constitutes a clearly unwarranted invasion of personal
7 privacy;

8 (3) Violates state or federal law;

9 (4) Is obscene; or

10 (5) So incites students as to create a clear and present
11 danger of the commission of an unlawful act, the
12 violation of lawful school or board policies, or the
13 material and substantial disruption of the orderly
14 operation of the school; provided that the
15 determination of a risk of material and substantial
16 disruption shall be based upon specific facts,
17 including past experience at the school and current
18 events influencing student behavior, and not on
19 undifferentiated fear or apprehension.

20 (d) There shall be no prior constraint of material
21 prepared for school-sponsored media except as provided in



1 subsection (c). School officials shall have the burden of
2 showing justification without undue delay before a limitation of
3 student expression under this section and shall establish a
4 reasonable period of review for material prepared for school-
5 sponsored media. If the period of review elapses without a
6 decision, the material prepared for school-sponsored media shall
7 be considered authorized.

8 (e) No publication or other expression of material by
9 student journalists in the exercise of rights under this section
10 shall be deemed to be an expression of the school, board, or
11 department. No state agency, member of the board, officer of
12 the department, or employee of any agency or the board shall be
13 held responsible in any civil or criminal action for the
14 publication or other expression of material by student
15 journalists in the exercise of rights under this section.

16 (f) A student media advisor shall not be dismissed,
17 suspended, disciplined, reassigned, transferred, or otherwise
18 retaliated against for:

19 (1) Acting to protect a student journalist engaged in
20 conduct protected under this section or the First
21 Amendment to the United States Constitution; or



1 (2) Refusing to infringe on conduct that is protected by
2 this section or the First Amendment to the United
3 States Constitution.

4 (g) The board shall adopt a written policy for the
5 exercise of the right of student journalists to freedom of
6 speech and freedom of the press in school-sponsored media in
7 accordance with this section; provided that the policy shall
8 include:

9 (1) Reasonable provisions for the time, place, and manner
10 of distribution of student expression; and

11 (2) A procedure for the timely appeal of decisions made
12 pursuant to this section.

13 (h) For the purposes of this section:

14 "School-sponsored media" means any material:

15 (1) Prepared, written, published, or broadcast in any
16 media by a student journalist at a school;

17 (2) Distributed or generally made available, either free
18 of charge or for a fee, to members of the student
19 body; and

20 (3) Prepared under the direction of a student media
21 advisor, regardless of whether the material is



1 supported financially by the school or by use of
2 facilities of the school or produced in conjunction
3 with a class for which the student is enrolled.

4 "School-sponsored media" does not include material intended for
5 distribution or transmission for classroom purposes only.

6 "Student journalist" means a student who determines,
7 gathers, compiles, writes, edits, photographs, records, or
8 prepares information or advertising for inclusion in school-
9 sponsored media.

10 "Student media advisor" means an individual employed,
11 appointed, or designated by a school to supervise or provide
12 instruction relating to school-sponsored media."

13 SECTION 4. Chapter 304A, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 **"§304A- Student journalists; university-sponsored**
17 **media.** (a) A student journalist shall be allowed to exercise
18 freedom of speech and freedom of the press in university-
19 sponsored media and shall not be disciplined for acting in
20 accordance with this section. A student journalist shall be



1 responsible for determining the news, opinion, feature, and
2 advertising content of university-sponsored media.

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

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

9 (1) Is libelous or slanderous;

10 (2) Constitutes a clearly unwarranted invasion of personal
11 privacy;

12 (3) Violates state or federal law;

13 (4) Is obscene; or

14 (5) So incites students as to create a clear and present
15 danger of the commission of an unlawful act, the
16 violation of lawful university policies, or the
17 material and substantial disruption of the orderly
18 operation of the university; provided that the
19 determination of a risk of material and substantial
20 disruption shall be based upon specific facts,
21 including past experience at the university and



1 current events influencing student behavior, and not
2 on undifferentiated fear or apprehension.

3 (d) There shall be no prior constraint of material
4 prepared for university-sponsored media except as provided in
5 subsection (c). University officials shall have the burden of
6 showing justification without undue delay before a limitation of
7 student expression under this section and shall establish a
8 reasonable period of review for material prepared for
9 university-sponsored media. If the period of review elapses
10 without a decision, the material prepared for university-
11 sponsored media shall be considered authorized.

12 (e) No publication or other expression of material by
13 student journalists in the exercise of rights under this section
14 shall be deemed to be an expression of the university or the
15 board of regents. No state agency, member of the board of
16 regents, officer of the university, or employee of any agency or
17 the board of regents shall be held responsible in any civil or
18 criminal action for the publication or other expression of
19 material by student journalists in the exercise of rights under
20 this section.



1 (f) A student media advisor shall not be dismissed,
2 suspended, disciplined, reassigned, transferred, or otherwise
3 retaliated against for:

4 (1) Acting to protect a student journalist engaged in
5 conduct protected under this section or the First
6 Amendment to the United States Constitution; or

7 (2) Refusing to infringe on conduct that is protected by
8 this section or the First Amendment to the United
9 States Constitution.

10 (g) The board of regents shall adopt a written policy for
11 the exercise of the right of student journalists to freedom of
12 speech and freedom of the press in university-sponsored media in
13 accordance with this section; provided that the policy shall
14 include:

15 (1) Reasonable provisions for the time, place, and manner
16 of distribution of student expression; and

17 (2) A procedure for the timely appeal of decisions made
18 pursuant to this section.

19 (h) For the purposes of this section:

20 "Student journalist" means a student who determines,
21 gathers, compiles, writes, edits, photographs, records, or



1 prepares information or advertising for inclusion in university-
2 sponsored media.

3 "Student media advisor" means an individual employed,
4 appointed, or designated by the university to supervise or
5 provide instruction relating to university-sponsored media.

6 "University-sponsored media" means any material:

7 (1) Prepared, written, published, or broadcast in any
8 media by a student journalist in the university
9 system;

10 (2) Distributed or generally made available, either free
11 of charge or for a fee, to members of the student
12 body; and

13 (3) Prepared under the direction of a student media
14 advisor, regardless of whether the material is
15 supported financially by the university or by use of
16 facilities of the university or produced in
17 conjunction with a class for which the student is
18 enrolled.

19 "University-sponsored media" does not include material intended
20 for distribution or transmission for classroom purposes only."

21 SECTION 5. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on July 1, 2050.

2



Report Title:

Student Journalism; Protection; DOE; UH

Description:

Establishes freedom of speech and freedom of the press protections for student journalists producing school-sponsored media or university-sponsored media unless subject to certain exceptions. Effective 7/1/2050. (HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

