

OFFICE OF INFORMATION PRACTICES

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To: House Committee on Judiciary & Hawaiian Affairs

From: Cheryl Kakazu Park, Director

Date: February 24, 2022, 2:00 p.m.
State Capitol, Conference Room 325 and Via Videoconference

Re: Testimony on H.B. No. 1848, H.D. 1
Relating to Student Journalism

Thank you for the opportunity to submit testimony on this bill, which would establish freedom of press protections for student journalists producing school-sponsored media or university-sponsored media, with some exceptions. The Office of Information Practices (OIP) takes no position on the substance of this bill, but **offers comments and a suggested an amendment to align the standard for private information whose publication is not protected with the privacy standard set in the Uniform Information Practices Act, chapter 92F, HRS (UIPA), and to protect against the unintended punishment of student journalists.**

Proposed subsection 302A-__(c)(2), HRS, provides that the proposed protections for student journalism do not apply to information that “[c]onsitutes an unwarranted invasion of privacy.” The intent appears to be to exclude from protection the publication of information that could be withheld as private in response to a government record request; **however, the language used in this proposal is actually much broader than the UIPA’s privacy exception at 92F-13(1), HRS, and could result in the unintended punishment of student journalists.** Whereas this bill would exclude from journalistic protection the

publication of any information that “constitutes an unwarranted invasion of privacy,” the UIPA’s privacy exception protects only information whose disclosure would “constitute a clearly unwarranted invasion of personal privacy.” The UIPA standard is thus limited to information about individuals and not businesses or organizations, and is narrower since a disclosure must be clearly unwarranted, not just unwarranted, to apply. **Because of this difference, this proposal as introduced could allow punishment of student journalists for publication of information properly obtained in a UIPA request and that does not fall under the UIPA’s privacy exception, but would fall under this broader definition of private information.**

To resolve this difference and avoid confusion and possible punishment of student journalists for publishing public records, OIP recommends an amendment to align the privacy standard in this bill to that in the UIPA’s privacy exception. Specifically, **OIP recommends that proposed subsection 302A-__ (c)(2), HRS, at page 3 line 6, be amended to read as follows:**

- (2) Constitutes a clearly unwarranted invasion of personal privacy;**

Thank you for considering OIP’s testimony.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/24/2022

Time: 02:00 PM

Location: 325 Via Videoconference

Committee: House Judiciary & Hawaiian
Affairs

Department: Education

Person Testifying: Keith T. Hayashi, Interim Superintendent of Education

Title of Bill: HB 1848, HD1 RELATING TO STUDENT JOURNALISM.

Purpose of Bill: Establishes freedom of press protections for student journalists producing school-sponsored media or university-sponsored media unless subject to certain exceptions. Effective 7/1/2050. (HD1)

Department's Position:

The Hawaii State Department of Education (the Department) respectfully offers comments on HB 1848, HD1.

The Department strongly values student voice and encourages students to be fully engaged in their own learning, including civic engagement.

Preparing our students to be global citizens requires them to master the ability to think critically, communicate effectively, and take informed action. The following Hawaii State Board of Education (BOE) policies are pertinent to the proposed measure:

BOE Policy 101-1, Student Code of Conduct, acknowledges the Student Bill of Rights and Responsibilities. This Bill of Rights addresses Freedom of Expression and Communication by stating, "Students shall have the right to hear and express publicly, various points of view on subjects without fear of reprisal or penalty. However, students recognize the rights of others and the limitations imposed by the laws of libel, slander, obscenity and incitement to riot."

BOE Policy 101-9, School-Sponsored Student Publications, notes that "students of the public schools have the right of expression in official school-sponsored student publications." Further, "student publications are considered, in part, a laboratory for

learning, as students are still in the process of learning the skills and processes of effective and responsible communication, and are considered to be still in need of guidance and supervision.”

Given the expanded opportunities to promote student agency, it is critical that all schools continue to balance the intellectual and social development of their students with freedom of expression. With that said, the Department recognizes the passage of New Voices laws in other states but wishes to continue to review and gather feedback on this measure.

Thank you for this opportunity to provide testimony on HB 1848, HD1.



Big Island Press Club

Since 1967, protecting the public's right to know

Big Island Press Club
P.O. Box 1920
Hilo, Hawaii 96721

CONTACT:
info@bigislandpressclub.org

Feb. 22, 2022

House Committee on Judiciary and Hawaiian Affairs
From: John Burnett, President, Big Island Press Club

In SUPPORT of HB 1848, HD1 relating to student journalism

The Big Island Press Club, Hawaii's oldest press club, is in support of House Bill 1848, HD1 guaranteeing student journalists in school-sanctioned media the same freedoms of the press and speech enjoyed by professional journalists, as provided by the First Amendment of the United States Constitution, and without prior restraint or fear of reprisal by school administrators and faculty.

Hawaii's student journalists want to tell the stories that matter to them, their peers and their communities, but for more than a generation they have come of age under a U.S. Supreme Court decision, discredited by every journalistic education organization in America, that guarantees them less freedom to tell these stories than that of every other student on campus.

In 1988, the U.S. Supreme Court ruled in *Hazelwood School District v. Kuhlmeier* that a school may censor a student journalist when "reasonably related to legitimate pedagogical concerns." Unfortunately, the "pedagogical concerns" under which student media is censored are rarely articulable, often subjective and rooted in the discomfort of administrators and not the needs of students. Student journalists can be and often are censored for virtually any reason.

While most students are held to the "Tinker Standard," a legal precedent stemming from the 1969 *Tinker v. Des Moines* ruling that students speech cannot be censored unless that speech materially or substantially disrupts the school environment, student journalists are held to a much higher standard solely because they are engaging in media.

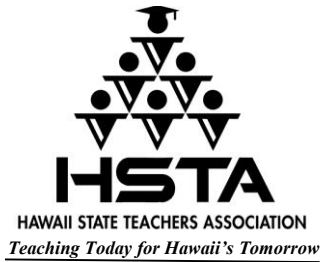
HB 1848 protects that authority; school officials can step in, for example, when there are concerns about the legality of the student media or the media will be demonstrably disruptive to the school environment - the same Tinker standard they apply for all other students. It also guides against libel and slander, invasion of privacy and obscenity.

For more than a generation, the Hazelwood decision has saddled student journalists with less freedom of speech solely because they are journalists; HB 1848 simply restores equal expectations and rights to all students.

Freedoms of speech and expression are vital in a free society, especially in this day and age when the free press is under attack by both political and commercial concerns that try to discredit accurate reporting as “fake news,” and demagoguery by our leaders is oftentimes cloaked as populism.

Allowing student journalists to go about their work without the threat of censorship and discipline is a necessity in promoting the free flow of ideas and information, a necessary component in the learning process and a vital component in insuring succeeding generations the critical thinking skills required to be engaged citizens in a democracy, whether they choose journalism or another endeavor as adults.

I thank you for the opportunity to testify in wholehearted support of HB 1848 HD1.



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TESTIMONY BEFORE THE HOUSE COMMITTEE ON JUDICIARY &
HAWAIIAN AFFAIRS

RE: HB 1848. HD1 - RELATING TO STUDENT JOURNALISM

THURSDAY, FEBRUARY 24, 2022

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Nakashima, and Members of the Committee:

The Hawaii State Teachers Association **supports HB 1848, HD1**, relating to student journalism. This bill establishes freedom of press protections for student journalists producing school-sponsored media or university-sponsored media unless subject to certain exceptions.

Research says, students who work on high school media learn to think critically, research topics, conduct interviews, write clearly for an audience and work together as a team. In schools with strong journalism programs, they also learn how a free and responsible press can improve their school communities by informing, entertaining and influencing their audience. Research also shows, those with student media experience get better high school grades overall, outscore others on ACT tests, and earn higher grades in college. Not only do students who participate in school media improve their basic academic skills, they also understand more than other students about their rights and responsibilities in a democracy. It gives students a voice and allow them to exercise their constitutional right of free speech

Hawaii needs a law that protects the First Amendment rights of student journalists and allows them the real-world learning that comes from making the decisions that must be made to produce a student-run newspaper.

To support our teachers and students, the **Hawaii State Teachers Association urges you to pass this bill.**



PO Box 2692 Honolulu, Hawai'i 96803
hawaiipublishersassociation@gmail.com

February 22, 2022

Representative Mark Nakashima
Chair, Judiciary and Hawaiian Affairs Committee
Hawai'i State Legislature
Honolulu, Hawai'i 96813

Dear Chair Nakashima and Committee Members:

I am writing to you on behalf of the Hawaii Publishers Association, which supports passage of HB 1848 HD 1, Relating to Student Journalism.

HPA annually sponsors the Hawai'i High School Journalism Awards, which recognizes student news programs from our state's public and private high schools competing in 20 categories.

2022 will be the 53rd year for the competition, which provides an incentive for students to work together on deadline to research and produce their best reporting, writing, photography, illustrations, page and web designs. Unfortunately, not all public high school students can produce their best work because their freedom to report and share what they have learned can be curtailed by worried administrators.

I know this is true because their graduates shared these stories when they came to the University of Hawai'i at Mānoa, where I advised the student-led media programs (Ka Leo, KTUH, Hawai'i Review) for 20 years (1997-2017).

Representatives Nakashima and Matayoshi may remember when they were teachers that students learn best when they are engaged with and directing their school work. You can get a sense of freedom's importance to award-winning, student reporting by reading Esme Infante's story in today's Star-Advertiser. <https://www.staradvertiser.com/2022/02/22/hawaii-news/hawaii-digital-media-students-win-big-in-national-contest/>

"Working together under pressure reinforced the importance of communication and diplomacy. Getting up the guts to ask strangers for interviews, and coming back after a rejection, required confidence and resilience. Nearly missing the time to upload a contest entry taught them a hard lesson about deadlines; they turned in their next project almost 45 minutes early, and celebrated with high-fives, cheers and laughter," reported Infante.

Please pass HB 1848 so student journalists and their communities can experience the best educational outcomes.

Sincerely,

A handwritten signature in black ink that reads 'Jay C Hartwell'.

Jay Hartwell
President



Feb. 24, 2022

Rep. Mark Nakashima
House Judiciary and Hawaiian Affairs Committee
State Capitol
Honolulu, HI 96813

Re: House Bill 1848, HD1

Chairman Nakashima and Committee Members:

The Hawaii Professional Chapter of the Society of Professional Journalists believes it is time for the Legislature to allow student journalists to inform students, parents, teachers and many times the surrounding community about news in schools without fear of censorship.

Student journalists should learn about responsible, free expression and how to “do their jobs” in a democratic society when they become adults – without curbing the civil rights of student journalists.

This bill does not grant unfettered license to student journalists. It guards against libel and slander; invasion of privacy; obscenity; and inciting violent acts.

Hawaii should follow the lead of many other states.

Thank you for your time and attention,

Stirling Morita
President, Hawaii Professional Chapter of the Society of Professional Journalists



All Hawaii News * P.O. Box 612 * Hilo, HI 96721 * www.allhawaiinews.com

Feb. 23, 2022

Chairman Mark M. Nakashima
House Committee on Judiciary & Hawaiian Affairs

From: Nancy Cook Lauer, publisher, All Hawaii News
www.allhawaiinews.com nclauer@gmail.com 808.781.7945

In STRONG SUPPORT of HB 1848, HD 1, Relating to Student Journalism

All Hawaii News, a state government and political news aggregate blog covering Hawaii since 2008, supports HB 1848, HD1, recognizing that journalists in public schools have the same First Amendment rights as other journalists in this great nation founded on the principles of free speech and a free press.

Now more than ever, a free press is vital to a strong democracy. Student journalists cover issues and events important to the student body and the community. They provide an independent voice that helps expose concerns in their schools and in their local communities. We must not hamper or extinguish their voices; instead we must nurture them and help create the next generation of strong journalists.

The bill carries safeguards including: "Nothing in this section shall be construed to prevent a student media advisor from teaching professional standards of English and journalism to student journalists or determining grades and credit for such purposes." It also guards against libel and slander, invasion of privacy, obscenity and inciting violent acts.

Mahalo nui for considering HB 1848, HD1.

Nancy Cook Lauer



TESTIMONY IN SUPPORT OF HB 1848 - RELATING TO STUDENT JOURNALISM
February 24, 2022

The Student Press Law Center (SPLC) is an independent, non-partisan organization that, since 1974, has helped students of all ages participate in civic life and learn essential skills, ethics and values through the vehicle of journalism. Our hotline provides free legal services to student journalists and advisers. As such, we see daily the significant need for this legislation and urge your approval of HB 1848.

Hawaii's students want to tell the stories that matter to them, their peers and their communities, but for more than a generation they have come of age under a U.S. Supreme Court decision, discredited by every journalist education organization in America, that has resulted in onerous censorship by school officials for reasons rooted not in journalistic integrity, the needs of students or the pursuit of truth, but in the discomfort of school administrators. In *Hazelwood School District v. Kuhlmeier (1988)*, the U.S. Supreme Court held that a school may censor a student journalist when "reasonably related to legitimate pedagogical concerns." Unfortunately, many administrators have interpreted this as justifying the censorship of students for virtually any reason.

Nationwide, SPLC has seen yearbooks censored because students wore MAGA shirts or the swim team wore bathing suits, journalists censored because their work spoke of graffiti visible to all students or of the drug use happening during school hours, and administrators cracking down on stories providing oversight into their own activities. Award-winning veteran teachers have been penalized, reassigned or terminated for refusing to force students to change or bury stories. Students have learned to self-censor and doubt their own instincts, thinking first of whether a story will be popular rather than if it is newsworthy, well-vetted, and true.

For these reasons fifteen states¹ have already enacted laws similar to HB 1848. After more than 100 combined years of history with these laws the verdict is clear; student press freedom laws do not impact school safety of the school. In no state has there been an outbreak of unethical journalism. Not a single school has had a libel lawsuit.

There are instances in which administrators must exert authority to keep their students safe and the school day orderly. HB 1848 protects that authority; school officials can step in, for example, when there are concerns about the legality of the student media or the media will be demonstrably disruptive to the school environment. HB 1848 simply provides clarity as to when administrators may step in, ensuring that everyone knows their rights and responsibilities under the law and helping Hawaii's schools fulfill their mission to produce the engaged thinkers ready to be our next generation of leaders.

Thank you for your support of Hawaii's students, and HB 1848.

¹ Arkansas, California, Colorado, Illinois, Iowa, Kansas, Maryland, Massachusetts, Nevada, New Jersey, North Dakota, Oregon, Rhode Island, Vermont, Washington.

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February 22, 2022

Aloha, Rep. Mark M. Nakashima, Chair; Rep. Scot Z. Matayoshi, Vice Chair; and members of the Committee on Judiciary & Hawaiian Affairs:

I am writing to express my **support** of HB1848 SD1 Related to Student Journalism.

I am a former Editor in Chief of Ka Leo O Hawaii (UH Manoa) and Ke Kalahea (UH Hilo), and former high school student journalist at Trojan Times (now Mililani Times) at Mililani High School.

We are in the midst of a period of American history where the role of journalists is both more important than ever, and yet under constant attack by both political and market forces. We need to be fostering the next generation of truth seekers, investigators, and storytellers to continue to function as a critical check on both government and corporate overreach, as well as to document the trials and triumphs of our local communities.

Students need to experience first-hand the rights and responsibilities that come with sustaining a free press. Prior restraint is unacceptable at all levels of journalism practice.

Certainly, freedom of the press and freedom of speech does not mean freedom from consequences. And student journalists need to have an objective and realistic understanding of the impact of the things they publish and broadcast. And that's where the experience and engagement of professional advisors are critical.

My tenure as editor of the then-daily Ka Leo ended after a newly implemented term limit by the UH Board of Publications. My student colleagues and I then launched an alternative campus paper. The dispute over distribution of this alternative newspaper on campus ended up at the center of a First Amendment fight between us and the UH administration. We ultimately prevailed, but the conflict was not without its consequences, and our publication dissolved months later.

This experience, as a student as well as a journalist, is exactly the sort of real-world challenges tomorrow's journalists will face. Let us not inhibit their growth, whether to protect them or to protect "us."

Mahalo for your consideration.



Ryan Kawailani Ozawa

HB-1848-HD-1

Submitted on: 2/22/2022 3:41:55 PM

Testimony for JHA on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cynthia Reves	Individual	Support	Yes

Comments:

My name is Cindy Reves and I am the adviser of McKinley High School’s student newspaper, The Pinion, and the Hawaii state director for the Journalism Education Association. I support HB1848 HD1 to protect the First Amendment rights of student journalists in Hawaii.

Laws just like this one already exist in 15 states and are being introduced in over a dozen more. This bill has educational value and is supported by the Journalism Education Association, the National Council of Teachers of English, and the Association for Education in Journalism and Mass Communication. It is supported by those whose ranks we are preparing our students to join, such as the American Society of News Editors and the Society of Professional Journalists. It has legal support from the American Bar Association and the Student Press Law Center.

As a journalism adviser, I teach my student journalists press law, news value, and journalistic ethics. I tell them about the 1969 case of Tinker vs. Des Moines Independent Community School District, where the Supreme Court said neither student nor teacher “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

McKinley’s student staff write about what they feel our community needs to know. When they need an adult’s advice, they come to me. Student editors make the publication decisions. I tell them that the best defense against censorship is good journalism. At McKinley, I am lucky that my administrator understands all this and supports what I do with the student newspaper.

However, I also tell my students that, in 1988, the Supreme Court restricted the First Amendment rights of one group of students, student journalists. If McKinley gets a new administrator or outside pressure causes our current administrator to reconsider his position, current law allows him great latitude to censor our student journalists. Hawaii needs a law that protects the First Amendment rights of student journalists and allows them the real-world learning that comes from making the decisions that must be made to produce a student-run newspaper.

Many worry that this bill will put schools and/or student journalists in legal danger. There is no evidence of this, according to student press law experts. Many also worry that student journalists are not mature enough for this responsibility. The work of my students, and student journalists throughout the country, proved the opposite. As our community lost physical contact due to the coronavirus pandemic, The Pinion staff continued to report remotely to cover our community during this unprecedented time.

What is true, however, is that, without this bill, administrators are censoring the First Amendment rights of student journalists in Hawaii. While my students do not face censorship, in my role with JEA, I hear stories of Hawaii administrators whose actions show they do not trust student journalists and their advisers.

- A high school administrator did not allow the student media to run an opinion piece about the n-word. Here are the last sentences of that piece: “The n-word should always be a huge social taboo because of its historical origin and usage; however, society is beyond the point of that. If certain individuals want to continue using the word, then the general public must learn how to comprehend its given context to react in an appropriate manner.” This is a nuanced reflection on an issue that matters.
- A high school administrator didn’t want editorials published unless they were in Pro/Con format. Two that gave the adviser and staff the most difficulty: an editorial about how a student hates Thanksgiving and an editorial criticizing Trump’s cabinet picks.
- A high school administrator asked the following questions during prior review with the adviser: “Why is this phrased this way? Why is this article about things that Trump has done called a ‘quick and dirty run down’? Some of these measures didn’t pass so why report on them? Why is this statistic phrased this way? Why is this the title of this article?”
- In a high school that has prior review, the administrator held on to the paper so long that the student staff decided it was too late to send it to the printer, so they published that issue online only.
- A high school journalism adviser had been attending meetings which included discussion of student press rights legislation but stopped attending for fear of angering administration
- A high school newspaper is required to produce a “community issue,” which is public relations, not journalism.
- A college newspaper didn’t cover an issue for fear it would get their adviser in trouble.

What is also true is that student journalists serve an important role in our democracy. If they see injustice at their school and do not report on it, who will? If the leaders in Hawaii truly value student voice and the student press, they have to raise the bar and allow Hawaii’s student journalists to really practice journalism. My student journalists at McKinley will do the hard work because they know a well-reported story won’t get killed simply because an administrator doesn’t like it. That’s not how journalism works and that’s not how our schools should work.

HB-1848-HD-1

Submitted on: 2/22/2022 4:23:32 PM

Testimony for JHA on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tiffany Edwards Hunt	Individual	Support	No

Comments:

I am writing as a Hawai`i resident, on my own time, but I want you to know that, for the last decade, I have worked at UH Hilo as the student media adviser for the student-run newspaper, Ke Kalahea. I also work in the Department of Education, as a social studies teacher at Keaau Middle School. This year, in collaboration with a couple of ELA teachers, we formed the Greenwaves Gazette student newspaper. It has been very successful, with students who remain committed to capturing campus life in words and pictures. Just so you know, neither of my employers gave me OFFICIAL PERMISSION to speak on their behalf, but I thought it was important to be transparent about who I am and what I do for a living, so you can understand the context of my passion. I want you to know that, prior to becoming an educator and an adviser, I served as a newspaper reporter, a newspaper publisher and a blogger. I also had a stint in radio. Since 2001, I have been a member of Big Island Press Club, and I am currently serving on the board as secretary. I'm a huge proponent of journalism, and I believe that journalism is crucial to our democracy. I also know, particularly now that I teach U.S. history, journalism is part of the foundation of the United States. Our founding fathers knew the virtue of the press and made Freedom of the Press one of the essential freedoms. So, all that being said, please count me as a supporter of this bill and a cheerleader for any and all legislators that understand that we want to support a free press and perpetuate student journalism. The more that our students can learn the trade and understand the ethics and principles that guide this profession, the more informed we can be as a community. Yes, the means in which the delivery of news is ever changing, but journalism will remain essential to our society. If our children don't want to pursue journalism for a living, at least they will learn some of the many virtues of the profession, like research, like critical thinking, like interviewing, like writing, like marketing and distribution. I could go on and on, because I live and breathe this stuff, and I love journalism so much. It has fed my soul for so many years. Please support JOURNALISM and STUDENT JOURNALISM and a FREE PRESS! Aloha

HB-1848-HD-1

Submitted on: 2/22/2022 4:45:14 PM

Testimony for JHA on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lichen Forster	Individual	Support	No

Comments:

Aloha. My name is Lichen Forster and I am testifying in favor of the Hawaii Student Journalism Protection Act to restore First Amendment protection to scholastic journalists. Last May, I graduated from Waiākea High School and am now the EiC of the UH Hilo student paper. The input of advisors is crucial to many high school publications, as their wisdom and suggested edits allow students to develop their craft. The verification process by administration is stifling and at times censorial.

I started Waiākea High School’s student newspaper at the beginning of my junior year, and the first line of feedback from administrators was that everything published would need to go through one of them first. This made sense at the time, as it would all be under the school’s name. However, it put pressure on the students and advisor to write pieces that promoted the institution and editorialized the role of the school in many places. That’s reason enough to support this Act. If we teach student journalists to write with authoritative voices in mind while they’re in high school, we damage the integrity of the industry they are soon to inherit.

I wrote an article at the beginning of my senior year about DOE teachers and their union feeling frustrated over pandemic guidelines and rules. The administration removed a couple of quotes of teacher dissatisfaction and the mention of a Facebook group where Hawai’i teachers (and parents) were organizing. For the sake of continued good will between the newspaper and admin, and for the comfort of my advisor, I chose not to argue the matter. I should have, and I should’ve never been in the position anyway.

It should be the interest of the community to teach harsh, honest reporting as soon as students begin developing their journalistic identities. You have the choice to make this happen now by supporting the Hawaii Student Journalism Protection Act, and I hope you do.

HB-1848-HD-1

Submitted on: 2/22/2022 6:50:21 PM

Testimony for JHA on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kimberlee Baxter	Individual	Support	No

Comments:

As the faculty advisor to the student newspapers at Kapi'olani Community College and Chaminade University, I deeply support any and all legislation that protects the First Amendment rights of our students. Students who are engaged in the community around them become adults who are engaged in the community around them. Their work and passion must be protected even more.

Censorship does more than just stop a story from being published. It stifles creativity, passion and drive. It silences voices that are all too often on the fringe. It allows administrators, many of whom have no interest in journalism, too much control over the journalists and stories.

When this country was founded, an independent media was envisioned as a watchdog of public institutions and officials. School officials often circumvent that First Amendment by claiming the school media is not independent. But, that stomping on the First Amendment rights of students is why even more protections should be given.

Please support HB1848. The State of Hawai'i needs more engaged, informed and passionate young people.

HB-1848-HD-1

Submitted on: 2/23/2022 7:50:55 AM

Testimony for JHA on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kara Hisatake	Individual	Support	No

Comments:

I support this bill protecting student first amendment rights because it is important for students to be able to participate in and manage journalistic ethics and principles responsibly. It is their job to manage communications with the school, but not BE the communications or PR team of the school. Instead, journalism holds people accountable and at its best, tells objective stories readers are interested in. Although I am a teacher for a private school, I believe it is important that student journalism not be censored, so that students can practice democratic principles and prepare for the world outside of school.

HB-1848-HD-1

Submitted on: 2/23/2022 8:35:37 AM

Testimony for JHA on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Althea Cunningham	Individual	Support	Yes

Comments:

My name is Althea Cunningham. I am testifying in my capacity as a high school reporter at McKinley High School. I'm writing in support of HB 1848, the Hawaii Student Journalism Protection Act, to restore First Amendment protection to scholastic journalists.

I come here not only as a second year student reporter but also as a senior JROTC cadet.

In newswriting class, I have been taught press law, news value, and journalistic ethics. In JROTC, I have been taught leadership, integrity, and the law. I know the constitution protects our free speech, but what about the free speech of the future generation?

We are very lucky at McKinley that our principal and advisor understand and want to help us grow as journalists, even if they don't agree or like what we write, so long as we do it ethically.

But that's here at McKinley, I want all Hawaii student journalists protected. They should be able to chase and report the truth to the people in confidence. Schools are supposed to help prepare students for the future. How is letting administrators get away with killing articles they don't agree with helping our future journalists?

That is not the ethics and law I was taught.

That's not how journalism works, and that's not how our schools should work.

This bill will create better education and a better democracy.

Hawaii Rep. Mark Nakashima, Chair
Hawaii Rep. Scot Matayoshi, Vice Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

Thursday, February 24, 2022

Testimony in support of H.B. 1848, H.D. 1, Relating to Student Journalism

My name is Sandra Oshiro and I am submitting written testimony in support of the proposed Hawaii Student Journalism Protection Act.

I've been a journalist for over 40 years, but got my start in the 6th grade as a student writer for the Kaewai Elementary School newspaper. I went on to report and edit for the student papers at Dole Intermediate, Farrington High School and the University of Hawai'i.

Throughout these formative years, it was not unusual for school officials to object to stories that we published, including those critical of the administration. I cannot say that every article we wrote amounted to stellar journalism, but this is how we learned about the watchdog role of the press in a robust democracy and prepared ourselves for the real world.

Under current federal law, administrators are free to censor the work of students journalists, and they frequently do. The Student Press Law Center receives thousands of requests for legal assistance from student journalists each year. The legislation before you does not shield young writers from unprotected speech but rather protects their rights while clarifying their responsibilities and those of public schools, advisers, and administrators.

I strongly urge your support of this legislation and the student journalists who need its protections and guidance.

Sincerely,
Sandra Oshiro
ssoshiro@gmail.com

HB-1848-HD-1

Submitted on: 2/23/2022 9:58:04 AM

Testimony for JHA on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Katrina Karl	Individual	Support	No

Comments:

Aloha Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee,

My name is Katrina Karl and I am a Newswriting teacher at Waipahu High School. I am submitting testimony in support of HB1848. The possibility of censorship for student journalists across the state does not allow them to fully explore all issues that are important to them, and does not adequately prepare them for possible careers in the media industry. I encourage you to pass HB1848. Mahalo for the opportunity to provide testimony in support of this bill.

Katrina Karl

**TESTIMONY IN SUPPORT OF HB 1848HD1 RELATING TO STUDENT
JOURNALISM
HOUSE COMMITTEE ON JUDICIAL AND HAWAIIAN AFFAIRS
FEB. 24, 2022**

Dear Chair Nakashima and Members of the Committee on Judicial and Hawaiian Affairs:

My name is Gerald Kato and I am an Associate Professor in the School of Communications at the University of Hawai‘i at Mānoa. I support HB1848HD1 Relating to Student Journalism.

This bill proposes to restore First Amendment protection to scholastic journalists. The U.S. Supreme Court ruled in 1969 that students do **not** “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” Unfortunately, in the years since that court made that famous declaration, federal and state laws and school administrators have threatened student journalists and advisers with censorship. The problems are well documented by the Student Press Law Center and others testifying today.

HB1848HD1 reaffirms for high school and college journalists that the fundamental First Amendment principle of the Freedom of the Press includes them. The important message to students contained in this bill is simple, a Free Press is **not** “the enemy of the people,” but an essential function of democratic government. This legislation extends to students not only the rights of all journalists, but the responsibility to exercise those rights with a sense of professionalism and civic duty. There is no greater lesson to be learned about democracy.

Having personally spent a lifetime as a student journalist in high school and college, as a newspaper and broadcast journalist in Hawai‘i, and teaching Journalism at the University of Hawai‘i, I can speak directly to the importance of providing full First Amendment for young journalists and those who serve as publication advisers. While I could go into great depth about my views on details of the bill, I will defer to the dedicated teachers at the Hawaii Scholastic Journalism Association. But allow me to make this brief observation: to be charitable, an effective date of July 1, 2050 seems a long, long time to wait for the current generation of student journalists and their advisers.

Now more than ever we need young people engaged in the democratic process, and we do that by respecting their constitutional rights to Freedom of the Press. Passage of this bill will let students know that their voices matter. This is why I support the bill and urge the committee to move on enacting it forthwith.

LATE

HB-1848-HD-1

Submitted on: 2/23/2022 6:57:44 PM

Testimony for JHA on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jennifer Howe	Individual	Support	No

Comments:

Dear Chair Nakashima, Vice Chair Matayoshi and Members of the Committee on Judiciary and Hawaiian Affairs:

I am testifying in my capacity as an individual.

My name is Jennifer Howe. As a former yearbook, newspaper, and broadcast media adviser, I strongly believe there is a vital need to protect student journalists and bolster their First Amendment rights that are often directly or indirectly suppressed. I taught and advised for five years in the Hawaii Department of Education. I am asking that you support HB1848 HD1 that would protect students from those who abuse the U.S. Supreme Court's 1988 Hazelwood decision to censor student publications.

Civic engagement is vital to a functioning democracy. Young people who are civically engaged become adults who are civically engaged. Working on a school newspaper, yearbook, or broadcast media staff is a powerful civics lesson. Student journalists have a unique role in their campus communities to inform students, faculty, administrators, parents and other stakeholders about the condition of their educational experience. Student journalists were faced with an unprecedented workflow when COVID-19 interrupted their learning, but that did not stop them from working on their school newspapers, completing final yearbook deadlines, and broadcasting news from home. We are already benefiting from these students' commitment to journalism and sense of civic responsibility. The consumers of student media need uncensored journalism to inform them of their school's achievements and its shortcomings. Unfortunately, some have used the Hazelwood decision as a means to protect their own images or the image of the school at the cost of losing free, honest and ethically reported journalism.

The Student Press Law Center receives thousands of requests for legal assistance per year from student journalists. Censorship sends the message that student voices don't matter. There may be some concern about giving too much control to young people, but this law does not protect unprotected speech. What it does is protect the rights and clarify the responsibilities of all those involved in journalism in public schools: the students, advisers, and administrators.

I respectfully request that you support the Hawaii Student Journalism Protection Act and accept this bill in its current form to ensure student voice is heard.

This legislation is part of a nationwide movement called New Voices, which is focused on curing the Hazelwood decision at the state level by protecting students from censorship and prior review by administrators. New Voices is aimed at preventing abuses of power in the future.

To learn more about the New Voices movement, please visit <https://splc.org/new-voices/>.

I am asking that you look out for the bill and support it because it will end censorship and abuse of students' First Amendment press rights.

For more information about the New Voices of Hawaii movement, please contact the Hawaii Scholastic Journalism Association at hawaiisja@gmail.com.

Please consider following our efforts on Facebook @newvoiceshawaii for legislative updates as well.

Sincerely,

Jennifer Howe

Honolulu, HI 96822