

**Written Comments**

DAVID Y. IGE  
GOVERNOR



KEITH T. HAYASHI  
INTERIM SUPERINTENDENT

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

**Date:** 03/31/2022

**Time:** 09:30 AM

**Location:** CR 016 & Videoconference

**Committee:** Senate Judiciary

**Department:** Education

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

**Title of Bill:** HB 1848, HD2, SD1 RELATING TO STUDENT JOURNALISM.

**Purpose of Bill:** 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. Provides legal immunity for state agencies, officers, and employees for students' exercise of these freedoms. (SD1)

**Department's Position:**

The Hawaii State Department of Education (the Department) respectfully offers comments on HB 1848, HD2, SD1.

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

The Board of Education currently has two policies that directly address HB 1848, HD2, SD1.

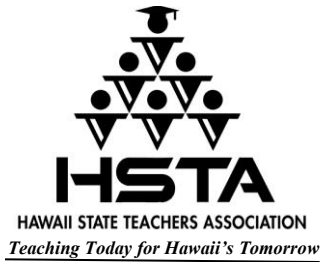
BOE Policy 101-1 Student Code of Conduct, acknowledges that students have Freedom of Expression and Communication. It states that "Students shall have the right to hear and express publicly, various points of view on subjects without fear of reprisal or penalty."

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.

Thank you for this opportunity to provide testimony on HB 1848, HD2, SD1.



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819  
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Osa Tui, Jr.  
President  
Logan Okita.  
Vice President  
Lisa Morrison  
Secretary-Treasurer  
Wilbert Holck  
Executive Director

## TESTIMONY BEFORE THE SENATE COMMITTEE ON JUDICIARY

RE: HB 1848. HD2, SD1 - RELATING TO STUDENT JOURNALISM

THURSDAY, MARCH 31, 2022

OSA TUI, JR., PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Rhoads, and Members of the Committees:

The Hawaii State Teachers Association **supports HB 1848, HD2, SD1**, relating to student journalism. This bill 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. Provides legal immunity for state agencies, officers, and employees for students' exercise of these freedoms.

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.**



**TESTIMONY IN SUPPORT OF HB 1848 - RELATING TO STUDENT JOURNALISM**  
**February 22, 2022.**

Dear Chair Woodson, Chair Takayama and Members of the Committees:

My name is Krista Rados and I am the Editor in Chief of Ka Leo O Hawai'i, the University of Hawai'i's only student-run newspaper. I am testifying today in SUPPORT of HB 1848 for the sake of the students, advisors and future storytellers of Hawai'i.

Next September, our organization will officially turn 100 years old. Besides having a large audience of readers in the Honolulu community, Ka Leo is also a fundamental stepping stone for student journalists. Almost every local anchor, writer, or professional working in the industry who studied at UHM, has been a part of the Ka Leo staff.

I have seen first-hand how censorship from higher administration directly affects our student journalists at Ka Leo. As a University of Hawai'i organization, our journalists have come to me with the idea that they must refrain from telling true stories that could threaten the university's reputation because they fear losing enrollment status or scholarship funding. This year alone, we were threatened by the university to publish a story that we did not feel was right. As journalists, we are already held to a high level of ethics and codes, but our best work can only be done if there is no fear of retaliation from those who have more power than us. We are truth-seekers, and nothing more. If censorship is not constantly criticized and the First Amendment is not upheld, some of the most impactful and important stories from UH students and faculty will never see the light.

Thank you for considering this testimony, and I would be happy to answer any questions you have.

Krista Rados  
Editor in Chief of Ka Leo O Hawai'i



**TESTIMONY IN SUPPORT OF HB 1848 - RELATING TO STUDENT JOURNALISM**  
**March 31, 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.

To be clear, HB 1848 applies only to student journalists - including those on the newspaper, yearbook, and literary magazine staff - working under the guidance of a student media adviser. The bill does not cover a student's personal social media or the free speech rights of any other student on or off campus.

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." While most students enjoy robust - although not unlimited - free speech and press rights under *Tinker v. Des Moines Independent School District*, student journalists who engage in a robust editorial process subject to journalistic rules and ethics can be heavily and arbitrarily censored. Unfortunately, many administrators believe they are justified in censoring 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. Censorship is often rooted in the discomfort of school administrators rather than the well-being of students. As a result, student journalists have learned to self-censor, and to prioritize whether a story will be popular rather than if it is newsworthy, well-vetted, and true.

Fifteen states<sup>1</sup> have already enacted laws similar to HB 1848. The verdict is clear; student press freedom laws do not impact the safety of the school. In no state has there been an outbreak of unethical journalism or lawsuits. 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 allows school officials to step in 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 what is unacceptable, ensures that everyone knows their rights and responsibilities, and helps Hawaii's schools fulfill their mission to produce engaged thinkers ready to be our next generation of leaders.

For these reasons, we strongly support HB 1848. Thank you for the opportunity to provide this testimony and for your support of Hawaii's students.

---

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



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

**President:**  
Jay Hartwell

Senator Karl Rhoads  
Chair, Committee on the Judiciary  
Hawai'i State Legislature  
Honolulu, Hawai'i 96813

**Board of Directors:**  
Joe Bock  
Nella Media Group

March 29, 2022

Amanda Canada  
Trade Media Hui

Dear Senator Rhoads and Committee Members:

I am writing to you on behalf of the Hawaii Publishers Association (HPA), which supports passage of HB 1848 HD2 SD1, Relating to Student Journalism.

Ed Chung  
This Week Magazine

I have reviewed all of this bill's previous testimonies and committee reports to find any concerns (not already addressed) that could prevent passage by your committee and the Senate. There are none.

Faith Freitas  
Journal Graphics

But journalism students, faculty, associations and professionals have all submitted testimony that agree with the Hawaii State Teachers Union's belief that: "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."

Tammy Mencil  
Pacific Business  
News

HPA annually co-sponsors the Hawai'i High School Journalism Awards with the Honolulu Star-Advertiser and the University of Hawai'i at Mānoa School of Communications. Our awards recognize student news programs from our state's public and private high schools competing in 20 categories.

Scott Schumaker  
PacificBasin  
Communicaitons

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 has been curtailed by worried administrators.

**Executive Director:**  
Sherry Goya  
(808) 722-8487

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

Please pass HB 1848 so student journalists can experience the best educational outcomes and our communities can learn and make decisions about important issues.

Sincerely,

A handwritten signature in black ink that reads "Jay C. Hartwell". The signature is written in a cursive, flowing style.

Jay Hartwell  
President, Hawaii Publishers Association

# RYAN KAWAILANI OZAWA

P.O. Box 892727

Mililani, HI 96789-8332

Main: (808) 707-3027

Fax: (808) 427-9227



@hawaii A row of social media icons including Instagram, Twitter, YouTube, LinkedIn, Facebook, and others.

Email: hawaii@hey.com

March 28, 2022

Aloha, Senator Karl Rhoads, Chair; Senator Jarrett Keohokalole, Vice Chair; and members of the Committee on Judiciary:

I am writing to express my **support** of HB1848 HD2 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 the Trojan 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-SD-1**

Submitted on: 3/28/2022 6:56:32 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kawika Ke Koa Pegram	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads and Vice Chair Keohokalole,

My name is Kawika Pegram. I am currently and undergraduate student in Washington DC, but my hometown is Waipahu, Hawaii. I graduated at Waipahu High School, and I was part of the Cane Tassel (Waipahu's high school newspaper) for three years.

I love Hawaii. I love home so much. I love hearing stories from home, and hearing how my people and my community is prospering. And as much as I don't *like* to hear it, I need to hear when my community isn't doing well. Because for as important good news is to me, so is news I don't like hearing. I don't like hearing when students are frustrated about online learning, or hearing about students not feeling safe at school, or hearing about the thousands of other issues associated with going to a Hawaii Public School. But I need to hear them. Because these stories are the first step in helping us build better communities. Nationally, we call journalism a fourth estate. But on a hyperlocal level, it's a call to action.

Fact is, journalism is dying. Local publications on a national scale are dissipating, and with it local news. While media publications become increasingly nationalized focusing on only the biggest stories, we still need our local Waipahu - or Mililani - or Kalani - to highlight the stories that don't get brought up to increasing media giants.

Unfortunately, our public school students for decades have been unable to do that. And that's a shame because there are incredible stories to be uncovered. But without proper first amendment protections for our local journalists, how do we expect to hear these stories? Furthermore, how do we prevent the gossipification of hyperlocalized news if we don't have the already-existing student journalists to uncover, fact-check, and report on them?

If we're not supporting our local student journalists and giving them the bare minimum they need to write good stories, we are failing our community. They deserve more than that. Let's give it to them.

Mahalo nui loa for your time,

Kawika Pegram

**HB-1848-SD-1**

Submitted on: 3/28/2022 10:44:40 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
An Vo	Individual	Support	Written Testimony Only

Comments:

I was a student journalist who wrote articles for my school's student newspaper. Even though I am not a part of the student newspaper staff, I continue to value and support my student newspaper and the student journalists and adviser who facilitate the distribution of its newspapers to the entire school community. I always look forward to seeing what pops up in these quarterly newspapers, meaning that the quality of content would not be possible if the freedom of the press were to be restricted.

**HB-1848-SD-1**

Submitted on: 3/29/2022 7:36:02 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kara Hisatake	Individual	Support	Written Testimony Only

Comments:

I'm testifying in support of the Hawaii Student Journalism Protection Act. My name is Kara Hisatake. I am testifying in my capacity as a high school journalism teacher. Civic engagement is vital to a functioning democracy. Young people who are civically engaged become adults who are civically engaged. Working on a school media outlet is a powerful civics lesson. However, under current federal law, school administrators can and do tread on the civil rights of student journalists through censorship. 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 that 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. Student voice matters. I respectfully request that you support this legislation and accept this bill in its current form to ensure student voice is heard.

**HB-1848-SD-1**

Submitted on: 3/29/2022 9:16:48 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lichen Forster	Individual	Support	Written Testimony Only

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-SD-1**

Submitted on: 3/29/2022 10:54:29 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shane Kaneshiro	Individual	Support	Written Testimony Only

Comments:

**My name is Shane Kaneshiro. I am testifying in my capacity as a student journalist at McKinley High School and am writing in support of HB1848, the Hawaii Student Journalism Protection Act, to restore First Amendment protection to scholastic journalists.**

**At McKinley High School, our newspaper, the Pinion, the staff always share our story ideas with one another during our brainstorming process. When we decide on what our stories will be, we consider what our community wants and needs to know about. We are lucky that our principal understands all this and supports us. But we don't want to be lucky; we want to be protected. There may be some concern that this bill is 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. OUR voice matters. We tell the school what is happening from the perspective of the students, not the adults. We need to be able to do our job. This bill allows us to do that. Please support it.**

**HB-1848-SD-1**

Submitted on: 3/29/2022 12:13:06 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Katrina Karl	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the committee,

My name is Katrina Karl and I teach Newswriting at Waipahu High School. I am submitting testimony in support of HB1848 and urge you to pass this bill to protect student press freedom.

While preoccupied with possible censorship, student journalists do not have the opportunity to explore the full range of issues that matter to them, and are insufficiently prepared for potential careers in the media industry.

Student journalists learn ethical principles that guide professional journalists, exceptions to First Amendment protections, and more in order to develop their judgment. With the guidance of their advisers, they should be trusted to work together to produce quality work that matters to their readers. I have had the pleasure of meeting several student newspaper advisers and student journalists across the state, and am confident that increased freedom will not compromise these publications' judgment and high standards.

Thank you for the opportunity to provide testimony.

Katrina Karl

Hawaii Sen. Karl Rhoads, Chair, Committee on Judiciary  
Hawaii Sen. Jarrett Keohokalole, Vice Chair, Committee on Judiciary  
Members of the Senate Committee on Judiciary

Thursday, March 31, 2022

Testimony in support of H.B. 1848, H.D. 2, S.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 School, 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 articles 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 student 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.

Although the proposed §302A and §304A provide exceptions to the no prior constraint rule and are not specific about what would constitute a reasonable period of review, the bill overall strikes a balance that is supportable. Similarly, any written policy drafted by the Board of Regents regarding student journalists' freedom of speech and press should be closely scrutinized before adoption.

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

Sincerely,  
*Sandra Oshiro*  
Sandra Oshiro  
ssoshiro@gmail.com

**HB-1848-SD-1**

Submitted on: 3/29/2022 12:27:45 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
jerome linear	Individual	Support	Written Testimony Only

Comments:

My name is Jerome Linear, speaking in support of this bill. I am in my second year as a student journalist at McKinley High School.

In News Writing class, I have been taught press law, news value, and journalistic ethics. 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. Schools are supposed to help prepare students for the future. How is letting administrators censor articles they don't agree with helping our future journalists?

This bill will create better education and a better democracy.



**HB-1848-SD-1**

Submitted on: 3/29/2022 12:35:57 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alyssa Salcedo	Individual	Support	Written Testimony Only

Comments:

**Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the committee,**

**My name is Alyssa Salcedo and I am a student at Waipahu High School. I am the News Editor of our student newspaper, The Cane Tassel. I am submitting testimony in support of HB1848 and urge you to pass this bill to protect student press freedom.**

**I have decided not to write about at least one topic due to potential censorship. I learned that having an article on this topic published would “depend on the content” of the article. I felt discouraged to continue with it and wrote about a somewhat related topic instead. It continually seemed that no matter how much I spoke about this topic, my criticism would not be well received.**

**I believe that it is important for students to practice effective communication, as it prepares them for post-secondary education, the workforce, and life in general. If students are not able to have confidence in their advocacy, then underlying issues with the systems, structures, and authorities that we deal with will never be exposed and handled. Although reporting on issues may not be as effective as taking direct action, it helps to raise awareness in communities that have a stake in these matters. If students are expected to be the future of society, then there is all the more reason to provide a safe environment for them to refine and express their opinions at school. Therefore, I would like to urge you all again to support HB1848, not only for those who have submitted testimony today, but also for other student journalists whose voices should be heard.**

**Thank you for the opportunity to provide testimony.**

**Alyssa Salcedo**

**HB-1848-SD-1**

Submitted on: 3/29/2022 12:42:06 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kila Brown	Individual	Support	Written Testimony Only

Comments:

**Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the committee,**

**My name is Kila Brown and I am a student at Waipahu High School. I am the Editor-in-Chief and Sports Editor of our student newspaper, The Cane Tassel. I am submitting testimony in support of HB1848 and urge you to pass this bill to protect student press freedom.**

**All opinions should be recognized and considered in a school environment, especially student opinions. Students can directly give necessary feedback and awareness regarding ongoing issues that affect their school. This opportunity, through student journalism, can create a safer and more inclusive school environment for current and future students. If public school administrators prevent student journalists from voicing their opinions, many students would be deterred from pursuing journalism at the higher level. Censorship prevents our voices, the most important aspect of student journalism, from being recognized and heard. If I were to be censored by my school's administration for voicing my opinion or concern, I believe I would not want to pursue a career in journalism. I would be afraid of constant censorship and second-guess my thoughts and opinions in my articles. If future journalists faced this same issue, the fear of censorship, the news industry would be severely impacted by the lack of journalists willing to write articles.**

**Thank you for the opportunity to provide testimony.**

**Kila Brown**

**HB-1848-SD-1**

Submitted on: 3/29/2022 1:00:52 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Athena Matautia	Individual	Support	Written Testimony Only

Comments:

I'm Athena Matautia and I support this bill.

Aloha,

I am writing in support of the Hawaii Student Journalism Protection Act, which will benefit not only student journalists but the broader community as well. I am supporting this act as a private citizen concerned about First Amendment rights and how they extend to students practicing freedoms of the press and speech in school contexts. I also am concerned about the welfare of the advisers who guide these students and need this type of crucial legal protection to promote better journalistic practices locally.

I worked as a professional journalist for more than a decade, before becoming an academic. I have served as an adviser for a couple of college newspapers, and I now serve as the Undergraduate Chair of the Journalism program at the University of Hawai'i at Mānoa.

At the university level, students learning about journalism have few options for practicing their craft. They can create work in the classroom and as freelancers for local media companies. But for most journalism students, the in-between space – the most developmental place to practice with a public audience – is in the student newspaper (e.g., *Ka Leo*). When working for student media, though, students are assisted by advisers who typically are on short-term low-pay contracts that can be “non-renewed” for any perceived act of administrative non-compliance. This creates a publishing construct starkly counter to the ideals of journalism, in the sense that any controversial piece of work in the school paper threatens to cost the adviser a job. So what do you think advisers without such protection naturally will do? They will advise against controversial investigative work that holds people in power accountable, because of the threat to their livelihood. This is a bizarre upside-down world from a journalistic perspective. Investigative work is exactly the kind of journalism that we need *more*, not less. It could be the most important publishing acts that the students can do, and it's exactly the kind of practice they need to become a university-level journalist and then a professional journalist after that. So how do we fix this situation? We first must protect the advisers and help them to support students practicing First Amendment rights.

In high school – a critical training ground for engaged citizenry – students who want to practice journalism often are boxed even more into very tightly constructed pseudo-journalistic contexts, highly controlled by school administrators. In short, they are prevented from engaging in basic and foundational American freedoms that they then are just expected to “know” when they graduate. This is a folly.

Again, protecting the advisers will be a start, but we also need in the high school cases additional protection for the students, who are under different levels of scrutiny than college students, to allow them to practice the ideology of journalism in ways that reflect professional standards.

These protections and support systems will increase the number of journalistic mistakes students make in public, as they reach for new tiers of impact in their communities and push for deeper intellectual ground. They might even go too far at times and need corrective measures. But those also are the most profound teachable moments for students. When they push to their edges, they are going to learn more, and they are going to have to further adopt the great responsibility that

comes with publishing. With this freedom, the students will have to make tough choices about what to publish and what not to publish. But they are smart, and they are up to it.

The natural sciences all have their laboratories. In journalism, the student newspaper is the laboratory where students can investigate ideas and try all sorts of techniques and tactics. We just do that in public. No one would take the burners out of all of the chemistry labs, for example, to make sure no student ever was hurt during an experiment. Journalism students have their lab in public, in the paper, and sometimes they do get burned. But on the other side, sometimes they also make beautiful, poetic, and thought-provoking contributions to public discourse. Don't we want that, too, even more so than the burn-free bubble around student journalists?

The current system is like keeping kids in a padded pen. You can keep them safe, and you can keep them from causing trouble. But that's not really the point of education, especially journalism education. And that's not the long-view of American culture. This Act creates a modest yet more-sustainable support system for student journalists. It protects advisers, which also protects student journalists. It provides students a chance to do something that our Founding Fathers argued everyone should be able to do: Freely express and circulate ideas of all kinds, and let the best ideas win the argument.

- Brett Oppegaard, Manoa, 360-521-8150

**HB-1848-SD-1**

Submitted on: 3/29/2022 3:25:34 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cynthia Reves	Individual	Support	Written Testimony Only

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 HD2 SD1 to protect the First Amendment rights of student journalists in Hawaii.

Laws just like HB1848 HD2 SD1 already exist in 15 states and are being introduced in over a dozen more. This bill has educational value. It 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 student journalists 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.

Hawaii’s student journalists need the protection this law provides because current law and policy give student journalists less First Amendment rights than other students. In the 1969 case of Tinker vs. Des Moines Independent Community School District, the Supreme Court set the bar for student First Amendment rights, saying neither student nor teacher “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

But in 1988 in Hazelwood vs. Kuhlmeir, the Supreme Court restricted the First Amendment rights of one group of students, student journalists, giving principals the right to censor material if they have a “legitimate pedagogical concern.” Hawaii’s Board of Education policy for student publications also restricts the First Amendment rights of student journalists, saying their work must be “approved by a representative of the school administration” and that the purpose of a student newspaper is “enhancing the image of the school and school community.”

What does “legitimate pedagogical concern” mean? And how does an administrator decide to approve or not approve something?

That’s the problem this law will correct. It clearly states what student journalists are not allowed to write. Without such clarity, administrators in Hawaii are censoring for arbitrary reasons.

- A high school administrator did not allow the student newspaper 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 student journalist wanted to criticize a program the school is very proud of and was told they might not be allowed to publish it. “It depends,” they were told.
- A high school administrator insisted the editorial page in a student newspaper had to be in Pro/Con format. Two that gave the adviser and staff the most difficulty: an editorial about how a student dislikes Thanksgiving and an editorial criticizing Trump’s cabinet picks.
- One administrator held on to the student newspaper “for review” 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 newspaper staff is required to produce an annual “community issue.” What actual “journalism” is not happening while these students are creating a public relations product?
- A college newspaper didn’t cover an issue for fear it would get their adviser in trouble.
- A student newspaper staff was asked not to write about the vandalism problems that happened in their school at the start of SY 2021-22.

Hawaii student journalists who leave a high school that censors them sometimes don’t recognize what happened to them until they leave school. They have told me they felt robbed of the real-world learning that comes from making the decisions that must be made to produce a student-run newspaper.

Some worry this bill will put schools and/or student journalists in legal danger. There is no evidence of this, according to student press law experts. Others worry student journalists are not mature enough for this responsibility. The work of my students, and student journalists throughout the country, proves the opposite. Journalism advisers teach press law, news value, and journalistic ethics. They help student journalists put processes in place to make sure that what they want to write about has news value and that how they write about it is legal and ethical. McKinley’s student journalists write about what they feel their community needs to know. I’m always there to provide advice. Student editors make the publication decisions. They understand that the best defense against censorship is good journalism.

McKinley’s current administration treats our student journalists in the way that this bill wants all Hawaii administrators to do. That is why McKinley student journalists have submitted testimony and spoken via Zoom at every hearing this bill has been in. They know the value of being able to make decisions and learn. And when the Capitol opened to the public again, these student journalists testified in person during their spring break.

Current law and state policy allow Hawaii administrators great latitude to censor our student journalists. Hawaii needs a law that protects the First Amendment rights of student journalists. 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-SD-1**

Submitted on: 3/29/2022 4:46:17 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kainalu MZ Morimoto	Individual	Support	Written Testimony Only

Comments:

Aloha Chairperson Rhoads, Vice Chairperson Keohokalole, and the honorable members of the State Senate Judiciary Committee.

My name is Kainalu Morimoto and I'm currently a student at the University of Hawaii at Manoa. I'm also a recent graduate of Lāna'i High and Elementary School. I am testifying in support of the "Hawaii Student Journalism Protection Act" (HB 1848).

One of the many liberties that American Citizens enjoy is the right to a free press. In the 21st century, in particular, unbiased, correct, and corroborated evidence is key for students when formulating our stances on issues that directly impact our communities. In a time when disinformation and misinformation run rampant across social media platforms, from which students overwhelmingly consume their news, student-published media is crucial. It is my understanding that, like most media publications, many student publications are held to the same rigorous standards as their independent counterparts. Additionally, this bill IS NOT greenlighting libelous or unfettered gossip that intrudes into the privacy of any person, rather affording student journalists protection against school administrations that simply disagree with the substance of certain articles. While many school administrators may have good intentions when striking down articles and content, others may use this as a guise to push their own personal agenda. Additionally, this bill doesn't just hold school administrators accountable, but also other student organizations and student governments from operating outside the purview of their peers.

Yet, this bill isn't just about protecting student journalists, but also the ability of students, at large, to consume quality information. Like many other UH Manoa (UHM) students, I like reading Ka Leo (the UH student newspaper) as it provides me a sense of what's going on around campus and issues that I may not be aware of. Many other students at UHM hold the same value in an independent student newspaper. In addition, consumption of student media isn't limited to students, but also to faculty, community members, or random people who may be interested in learning more about UH Manoa's climate and culture. The same holds true for all other student media across Hawaii's universities and secondary schools.

Thank you for your time and consideration.

Kainalu Morimoto

**HB-1848-SD-1**

Submitted on: 3/30/2022 8:12:26 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ron Okamura	Individual	Support	Written Testimony Only

Comments:

My name is Ron Okamura and I am the Principal of President William McKinley High School. I am in support of HB 1848.

**HB-1848-SD-1**

Submitted on: 3/30/2022 8:23:57 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Althea Cunningham	Individual	Support	Written Testimony Only

Comments:

My name is Althea Cunningham. I am a reporter and editor for the pinion at McKinley high school

Currently school principals and advisers can censor student productions. As and editor I get to see first-hand how responsible and passionate students are about covering current events. Through my experience of working with my staff, I have never seen intent to misuse information to purposely harm anyone.

Hawaii student journalists should be protected and report in confidence without the fear of censorship. And truly show what they have learned about press law, ethics, leadership, and integrity.

I believe this bill will create better education opportunities and promote healthy growth within the journalism community. Thank you for this opportunity and please support this bill.

**HB-1848-SD-1**

Submitted on: 3/30/2022 8:24:40 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ryan Vanairsdale	Individual	Support	Written Testimony Only

Comments:

My name is Ryan Vanairsdale. I am a senior at McKinley High School and a former editor for The Pinion, McKinley's student run newspaper. I support HB1848 because the practice of journalism and the values which are most integral to it, such as truth and transparency, provide an indispensable resource to everyone in our society. The protections that are offered to journalists through the first amendment should also extend to student journalists, who can be censored by administrators under loosely defined restrictions. The students who sit in their school's newsroom today will be the reporters of tomorrow, practicing and upholding the journalistic values which were taught to them. It is of high importance that we provide them protection from censorship from their schools, and HB1848 does this.

**HB-1848-SD-1**

Submitted on: 3/30/2022 8:25:29 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nyler Acasio	Individual	Support	Written Testimony Only

Comments:

I'm testifying in support of the Hawaii Student Journalism Protection Act. My name is Nyler Acasio. I am testifying in my capacity as a former student journalist. Civic engagement is vital to a functioning democracy. Young people who are civically engaged become adults who are civically engaged. Working on a school media outlet is a powerful civics lesson. However, under current federal law, school administrators can and do tread on the civil rights of student journalists through censorship. 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, while it does. We, students, write about topics regarding our local communities and have the ability to project our fellow peer's voices and concerns to a much larger audience in our writings. There may be some concern that giving too much control to young people, but this law does not protect against 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. Student voice matters. This bill is in direct support of Superintendent Kishimoto's High Impact Strategy of valuing student's voices. I respectfully request that you support this legislation and accept this bill in its current form to ensure student voice is heard.

**HB-1848-SD-1**

Submitted on: 3/30/2022 9:20:34 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chelsee Sawai	Individual	Support	Written Testimony Only

Comments:

My school is supportive of our journalism program and the actions we choose to take in the name of freedom of speech. However, other schools are not so lucky and have to work harder for the support of their school and just to write a single story within their program. Please allow the students their freedom of speech and their freedom of press because their voice matters and they shouldn't have to work extra hard just for voices to be generated within society.

**HB-1848-SD-1**

Submitted on: 3/30/2022 9:23:01 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Josephine Brewer	Individual	Support	Written Testimony Only

Comments:

My name is Josephine Brewer. I am testifying in my capacity as a student journalist and am writing in support of the Hawaii Student Journalism Protection Act to restore First Amendment protection to scholastic journalists. Student voices matter. Us student journalists tell important stories that matter to young people. Student journalists let peers know what's happening on campus and how fellow students feel. We need to be able to do our job. This bill allows us to do that. Please support it.

**HB-1848-SD-1**

Submitted on: 3/30/2022 9:25:48 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Howe	Individual	Support	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Keohokalole and Members of the Committee on Judiciary:

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 HD2 SD1 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](mailto:hawaiisja@gmail.com).

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

Sincerely,

Jennifer Howe

Honolulu, HI 96822

**HB-1848-SD-1**

Submitted on: 3/30/2022 9:27:40 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Siena Usui	Individual	Support	Written Testimony Only

Comments:

My name is Siena Usui and I am co-editor in chief of Na Pueo, Mid-Pacific's student newspaper. I am testifying in my capacity as a student journalist and am writing in support of the Hawaii Student Journalism Protection Act to restore First Amendment protection to scholastic journalists. Though I am not personally impacted by this bill because I don't attend public school, I know that student journalism for all students in the state should be protected and be accessible. Being allowed to use our voices to raise awareness of important issues in our communities is a must, and I strongly support the passing of HB1848.