



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

**Date:** 02/11/2022

**Time:** 03:15 PM

**Location:** CR 229 & Videoconference

**Committee:** Senate Education  
Senate Higher Education

**Department:** Education

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

**Title of Bill:** SB 0214 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.

**Department's Position:**

The Hawaii State Department of Education (Department) respectfully offers comments on SB 0214.

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.

Thank you for this opportunity to provide testimony on SB 0214.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2022**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 214, RELATING TO STUDENT JOURNALISM.

**BEFORE THE:**

SENATE COMMITTEES ON EDUCATION AND ON HIGHER EDUCATION

**DATE:** Friday, February 11, 2022      **TIME:** 3:15 p.m.

**LOCATION:** State Capitol, Room 229, Via Videoconference

**TESTIFIER(S):** Holly T. Shikada, Attorney General, or  
Lori N. Tanigawa, Deputy Attorney General

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Chairs Kidani and Kim and Members of the Committees:

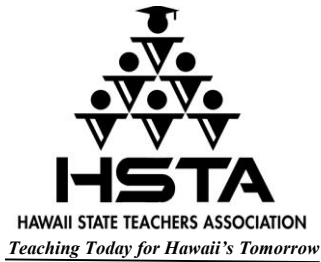
The Department of the Attorney General provides the following comments.

The bill would establish the Hawaii Student Journalism Protection Act to allow student journalists at public schools and colleges to exercise freedom of speech and freedom of the press in school-sponsored media and protect student media advisors from retaliation for refusing to infringe on student press freedom.

Section 6 of article X of the Hawai'i State Constitution gives the University of Hawai'i Board of Regents "exclusive jurisdiction over the internal structure, management, and operation of the university." However, section 6 further provides that "[t]his section shall not limit the power of the legislature to enact laws of statewide concern. The legislature shall have the exclusive jurisdiction to identify laws of statewide concern." To avoid any dispute regarding jurisdiction over the University of Hawai'i, we recommend an amendment that adds a statement identifying this bill as a law of statewide concern.

In addition, there is a typographical error on page 3, line 3. It should read "violation of lawful school or board policies," rather than "unlawful" school or board policies. Similarly, on page 7, line 5, it should read "violation of lawful university policies," not "unlawful" university policies.

Thank you for the opportunity to provide these comments.



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

Osa Tui, Jr.  
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Logan Okita.  
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Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION AND  
THE COMMITTEE ON HIGHER EDUCATION

RE: SB 214 - RELATING TO STUDENT JOURNALISM

FRIDAY, FEBRUARY 11, 2022

OSA TUI, JR., PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Kidani, Chair Kim, and Members of the Committee:

The Hawaii State Teachers Association **supports SB 214**, 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.**



**TESTIMONY IN SUPPORT OF SB 214 - HAWAII STUDENT JOURNALISM PROTECTION  
ACT  
February 11, 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 SB 214.

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. 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 states<sup>1</sup> have enacted laws similar to SB 214. After more than 100 combined years of history with these laws the verdict is clear; student press freedom laws do not impact the safety of the school lead to 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. SB 214 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. SB 214 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 the opportunity to provide this testimony; if there are any questions about the legal issues surrounding student media censorship or how these laws have been received in other states, I would be happy to provide that to the committee. Thank you for your support of Hawaii's students, and SB 214.

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

**SB-214**

Submitted on: 2/8/2022 3:48:17 PM

Testimony for EDU on 2/11/2022 3:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
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 SB214 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.

**SB-214**

Submitted on: 2/10/2022 12:15:28 PM

Testimony for EDU on 2/11/2022 3:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jerome Linear-Owens	Individual	Support	Yes

Comments:

My name is Jerome Linear. I'm in my second year as a reporter on McKinley High School's student newspaper. This bill is important to me.





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

**President:**  
Jay Hartwell

February 9, 2022

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

Amanda Canada  
Trade Media Hui

Ed Chung  
This Week Magazine

Faith Freitas  
Journal Graphics

Tammy Mencil  
Pacific Business  
News

Scott Schumaker  
PacificBasin  
Communicaitons

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

Dear Chair Kidani, Chair Kim and Members of the Committees:

I am Jay Hartwell, President of the Hawaii Publishers Association, whose members produce magazines, newspapers, printed and online content for the state of Hawai'i. The Association urges you to approve SB 214, Relating to School Journalism.

For 53 years, the Newspaper in Education program and then the Hawaii Publishers Association has sponsored the annual Hawai'i High School Journalism Awards with support from the Honolulu Star-Advertiser and now the School of Communications at the University of Hawai'i at Mānoa.

We sponsor this competition because we believe that high school journalism programs provide students with the best, hands-on opportunities to learn about research, fact-checking, and communication. We also believe that competing against other schools challenges student journalists to produce their best work.

Imagine what that competition would be like if the state's principals told their students they could not publish stories because of concerns about the content. How do you strive to be the best when you are not given a chance or know that you will NOT be given a chance?

Under current federal law, school administrators can and do tread on the civil rights of student journalists through censorship.

The proposed bill protects the rights and clarifies the responsibilities of all those involved in journalism in Hawai'i public schools: the students, advisers, and administrators.

We respectfully request that you support this legislation to ensure students can have the best possible educational experience.

Sincerely,

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

Jay Hartwell  
President



All Hawaii News \* P.O. Box 612 \* Hilo, HI 96721 \* [www.allhawaiiinews.com](http://www.allhawaiiinews.com)

Feb. 9, 2022

Senate Committees on Education, Senate Committee on Higher Education

From: Nancy Cook Lauer, publisher, All Hawaii News  
[www.allhawaiiinews.com](http://www.allhawaiiinews.com) [nclauer@gmail.com](mailto:nclauer@gmail.com) 808.781.7945

In STRONG SUPPORT of SB 214, Relating to Student Journalism

All Hawaii News, a state government and political news aggregate blog covering Hawaii since 2008, supports SB 214 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 SB 214.

*Nancy Cook Lauer*



# 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](mailto:info@bigislandpressclub.org)

February 9, 2022

To: Senate Committee on Education  
Senate Committee on Higher Education  
Senate Committee on Judiciary

From: Michael Phillips, Vice President, Big Island Press Club

## **In SUPPORT of SB 214 Relating to Student Journalism**

The Big Island Press Club, Hawaii's oldest press club, is in support of SB 214 Relating to Student Journalism.

We believe student journalists should be afforded the same rights and privileges of their adult, professional peers and their teachers and advisors should be given appropriate protections to allow their students to pursue the truth in what they do without fear of retaliation.

Journalism is the cornerstone of our democracy. In recent years, we've seen professional journalists help navigate the public through a fast-changing, always-evolving, occasionally overwhelming landscape of information, supercharged by the spread of social media. In a landscape that includes inaccuracies and misinformation, professional journalists help combat disinformation and provide

a firm foundation from which a free, open, and properly informed society can rest upon.

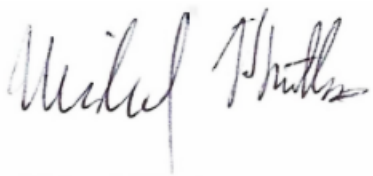
However, our industry is in desperate need of young journalists who can help shine the light on truth and accurate information for our future. To support the next generations of journalists and truth-tellers, we need student journalists to be able to practice their craft and refine it through their educators. The Hawaii Student Journalism Protection Act does just that: it fosters an environment that becomes an incubator for future media talent. And it preserves the future of our democracy.

On June 28, 2020, then Immediate Past President of the Big Island Press Club, John Burnett, wrote in testimony with regard to HB 1529, HD2, SD1 relating to student journalists, "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."

While the Hawaii Student Journalism Protection Act didn't gain the traction it should have in 2020, the thoughts and sentiments shared by Mr. Burnett are just as true today.

I thank you for the opportunity to testify in wholehearted support of SB 214 Relating to Student Journalism.

Signed,

A handwritten signature in black ink, appearing to read "Michael Phillips". The signature is written in a cursive, flowing style.

Michael Phillips  
Vice President, Big Island Press Club

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: Senate Committees on Education and on Higher Education

From: Cheryl Kakazu Park, Director

Date: February 11, 2022, 3:15 p.m.  
State Capitol, Conference Room 229 and Via Videoconference

Re: Testimony on S.B. No. 214  
Relating to Student Journalism

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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).

Proposed subsection 302A-\_\_ (b)(c)(2), HRS, provides that the proposed protections for student journalism do not apply to information that “[c]onstitutes 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. 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-\_\_ (b)(c)(2), HRS, at page 2 line 18, be amended to read as follows:**

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

Thank you for considering OIP’s testimony.

# RYAN KAWAILANI OZAWA

P.O. Box 892727

Mililani, HI 96789-8332

Main: (808) 707-3027

Fax: (808) 427-9227



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

Email: hawaii@hey.com

February 8, 2022

Aloha, Senator Michelle N. Kidani, Chair; Senator Donna Mercado Kim, Vice Chair; members of the Committee on Education; and Senator Donna Mercado Kim, Chair; Senator Michelle N. Kidani, Vice Chair; members of the Committee on Higher Education:

I am writing to express my **support** of SB214 Related to Student Journalism.

I am a former Editor in Chief of Ka Leo O Hawaii (UH Manoa) and Ke Kalaheha (UH Hilo), and former high school student journalist at 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 unprecedented attack by both political and market forces. We must foster 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

– a dispute in which we ultimately prevailed. Yet 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



**TESTIMONY IN SUPPORT OF SB 214 RELATING TO STUDENT JOURNALISM  
SENATE EDUCATION AND HIGHER EDUCATION COMMITTEES  
FEB. 11, 2022**

**Dear Chairs Kidani and Kim and Members of the Senate Education and Higher Education Committees:**

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 SB214 Relating to Student Journalism.

The U.S. Supreme Court famously said 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 making that 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.

SB 214 reaffirms for high school and college journalists that the fundamental principles of the Freedom of the Press includes them. The message to students contained in this bill is simple, The Press is **not** “the enemy of the people,” but an essential function of democratic governance. 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 in journalism, 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 this protection for young journalists. 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. Let me just say this:

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 Speech and 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 it in its current form.

**SB-214**

Submitted on: 2/9/2022 9:20:54 AM

Testimony for EDU on 2/11/2022 3:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Katrina Karl	Individual	Support	No

Comments:

Dear Chair Kidani, Vice Chair Kim, and members of the Committee:

My name is Katrina Karl and I am a Newswriting teacher at Waipahu High School. I urge you to approve SB214 to ensure press freedom for students. The possibility of censorship discourages students from exploring and covering all issues that matter to them, and does not adequately prepare them for careers in the media industry.

Thank you for your consideration and for the opportunity to provide testimony.

Sincerely,

Katrina Karl

**SB-214**

Submitted on: 2/8/2022 5:00:42 PM

Testimony for EDU on 2/11/2022 3:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Erin Mendelson	Individual	Support	No

Comments:

Dear State Legislators,

Schools are the crucibles for our democracy. Student journalists need safe spaces to express themselves and to learn the power of their words.

School newspapers need to include voices of individuals from differing races, religions, sexual orientations, socioeconomic backgrounds, ages and mental/physical abilities. Some voices may be silenced by administrators. Students do not lose their First Amendment rights to freedom of speech when they step onto school property. According to *Tinker v. Des Moines Independent Community School District* (1968), “In order to justify the suppression of speech, the school officials must be able to prove that the conduct in question would ‘materially and substantially interfere’ with the operation of the school.” In my opinion, a controversial article will not hamper learning, instead will create a subject for thought and inclusion.

Sincerely,

Erin Mendelson

Special Education Teacher

**SB-214**

Submitted on: 2/9/2022 5:20:29 PM

Testimony for EDU on 2/11/2022 3:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kara Hisatake	Individual	Support	No

Comments:

I support this bill to protect student journalism against censorship because it does several things-- it allows for students to learn how to responsibly use their voice in journalism, to be responsible for what they say; it gives budding voices protection as part of the First Amendment for freedom of the press; and the way it protects journalists against censorship allows for the best and most responsible journalism--one that holds our democracy and elected/appointed officials in check. Supporting this bill is allowing journalism to do what it does best--present multiple sides of an issue and allow readers to make up their own minds.

As a journalism teacher, even at a private high school, I believe it is important for student journalist voices to be allowed to speak. It is why I support this bill.

**SB-214**

Submitted on: 2/10/2022 9:37:44 AM

Testimony for EDU on 2/11/2022 3:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Nyler Acasio	Individual	Support	No

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 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 voice. I respectfully request that you support this legislation and accept this bill in its current form to ensure student voice is heard.

**SB-214**

Submitted on: 2/10/2022 12:13:13 PM

Testimony for EDU on 2/11/2022 3:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Shane Kaneshiro	Individual	Support	No

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 SB214, 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.

**SB-214**

Submitted on: 2/10/2022 12:27:40 PM

Testimony for EDU on 2/11/2022 3:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Perlynn Calep	Individual	Support	No

Comments:

My name is Perlynn Calep, a MckKnley High School student and a reporter for The Pinion. I support this bill.

**SB-214**

Submitted on: 2/10/2022 12:27:56 PM

Testimony for EDU on 2/11/2022 3:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Athena Matautia	Individual	Support	No

Comments:

I'm Athena Matautia, a student at McKinley High School and a reporter for The Pinion. I support this bill.



**LATE**

**SB-214**

Submitted on: 2/11/2022 12:48:38 PM

Testimony for EDU on 2/11/2022 3:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jennifer Howe	Individual	Support	No

Comments:

Dear Chair Kidani, Vice Chair Kim and Members of the Senate Education and Higher Education Committees:

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 SB214 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