
A BILL FOR AN ACT

RELATING TO STUDENT JOURNALISTS.

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

1 SECTION 1. This Act shall be known as the "Hawaii Student
2 Free Expression Act".

3 SECTION 2. The legislature finds that states may enhance
4 the protections guaranteed by the First Amendment of the United
5 States Constitution through state laws and regulations. The
6 legislature further finds that student journalists attending
7 Hawaii public schools need additional protection against
8 censorship.

9 The purpose of this Act is to establish the Hawaii Student
10 Free Expression Act to allow student journalists at public
11 schools to exercise freedom of speech and freedom of the press
12 in school-sponsored media.

13 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is
14 amended by adding a new section to part II to be appropriately
15 designated and to read as follows:

16 "§302A- School-sponsored media; student journalists.

17 (a) As used in this section:



1 "School-sponsored media" means any material:
2 (1) Prepared, written, published in print or online, or
3 broadcast by a student journalist at a public school;
4 (2) Distributed or generally made available, either free
5 of charge or for a fee, to members of the student
6 body; or
7 (3) Prepared under the direction of a student media
8 advisor,
9 regardless of whether the material is supported financially by
10 the public school or by use of facilities of the public school
11 or produced in conjunction with a class in which the student is
12 enrolled. "School-sponsored media" does not include material
13 intended for distribution or transmission solely in the
14 classroom in which the material is produced.

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

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



1 (b) A student journalist shall be allowed to exercise
2 freedom of speech and freedom of the press in school-sponsored
3 media and shall not be disciplined for acting in accordance with
4 this section.

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

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

11 (1) Is libelous or slanderous;

12 (2) Constitutes an unwarranted invasion of privacy;

13 (3) Constitutes hate speech;

14 (4) Promotes illegal activities;

15 (5) Is obscene; or

16 (6) Incites students to create a clear and present danger
17 of the commission of an unlawful act, the violation of
18 public school or board policies, or the material and
19 substantial disruption of the orderly operation of the
20 public school.



1 (e) There shall be no prior restraint of material prepared
2 for school-sponsored media except insofar as it violates this
3 section. School officials shall have the burden of showing
4 justification without undue delay prior to a limitation of
5 student expression under this section. If the prescribed time
6 for review elapses without a decision, the material prepared for
7 school-sponsored media shall be considered authorized.

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

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

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



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

3 SECTION 4. New statutory material is underscored.

4 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Hawaii Student Free Expression Act; Student Journalists; DOE

Description:

Allows student journalists at public schools to exercise freedom of speech and freedom of the press in school-sponsored media. Takes effect on July 1, 2050. (HD2)

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