



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

**Date:** 01/30/2020

**Time:** 02:20 PM

**Location:** 309

**Committee:** House Lower & Higher  
Education

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** HB 1529 RELATING TO STUDENT JOURNALISTS.

**Purpose of Bill:** Allows student journalists at public schools to exercise freedom of speech and freedom of the press in school-sponsored media.

**Department's Position:**

The Department of Education strongly values student voice and encourages students to be fully engaged in their own learning, including civic engagement. Respectfully, the Department provides comments on HB 1529.

Preparing our students to be global citizens requires them to master the ability to think critically, communicate effectively and take informed action. The following 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." More information can be found at:

<http://www.hawaiipublicschools.org/ConnectWithUs/Organization/Pages/Student-Bill.aspx>

- 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."

"Student publications include, but are not limited to, various media including print media (books, newspapers, yearbooks, magazines, posters, etc.), audio and/or video productions, and publications disseminated through electronic media, and networks or broadcasts. A school sponsored publication is one that is written and/or produced substantially by students under the

auspices of the school, approved by a representative of the school administration, and made generally available throughout the school. Student editors and staff of school-sponsored student publications have the authority to determine the content of their publications subject to the limitations of this policy, other Board policies, and state and federal law...”

BOE Policy 101-9:

<http://boe.hawaii.gov/policies/Board%20Policies/School-Sponsored%20Student%20Publications.pdf>

Given the expanded opportunities to promote student agency, it is critical that all schools continue to balance the intellectual and social development of their students with freedom of expression.

With that said, the Department recognizes the passage of New Voices laws in 14 states (Arkansas, California, Colorado, Illinois, Iowa, Kansas, Maryland, Massachusetts, Nevada, North Dakota, Oregon, Rhode Island, Vermont and Washington) and codes protecting the rights of student journalists in the District of Columbia and Pennsylvania and will continue to review and gather feedback on this measure.

Thank you for this opportunity to provide testimony on HB 1529.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).



**TESTIMONY IN SUPPORT OF HB 1529 - RELATING TO STUDENT JOURNALISTS;  
FREEDOM OF SPEECH AND THE PRESS  
January 30, 2020**

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 legal 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 1529.

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 guarantees them less freedom to tell these stories than that of every other student on campus.

While most students are held to the "Tinker Standard," a legal precedent stemming from the 1969 *Tinker v. Des Moines* ruling that students speech cannot be censored unless that speech materially or substantially disrupts the school environment, student journalists are held to a much higher standard solely because they are engaging in media. In 1988, the U.S. Supreme Court ruled in *Hazelwood School District v. Kuhlmeier* that a school may censor a student journalist when "reasonably related to legitimate pedagogical concerns." Unfortunately, the "pedagogical concerns" under which student media is censored are rarely articulable, often subjective and rooted in the discomfort of administrators and not the needs of students. Student journalists can be and are censored 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. It is for these reasons that fourteen states<sup>1</sup> have already enacted laws similar to HB 1529. 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 or keep administrators from making the right decision. 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 1529 protects that authority; school officials can step in, for example, when there are concerns about the legality of the student media or the media will be demonstrably disruptive to the school environment - the same *Tinker* standard they apply for all other students. For more than a generation, the *Hazelwood* decision has saddled student journalists with less freedom of speech solely because they are journalists; HB 1529 simply restores equal expectations and rights to all students.

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

The reality of *Hazelwood* censorship is not that students do not grapple with the issues that make adults nervous, it is simply that they do so in secret, disempowered by their administrators and discouraged from the sort of discourse we ask them to be capable of the moment they leave our schools and become our civic leaders. When students do push against censorship, it is often their advisers who pay a heavy professional price. HB 1529 will enable student journalists to tell the truth without fear of reprisal, will protect the advisers who support them, and will help Hawaii's schools fulfill their mission to produce the engaged thinkers ready to be our next generation of leaders.

*Hazelwood* is a relic from an age when adults believed we could delay uncomfortable conversations by tearing columns out of a newspaper. As unchecked social media runs rampant, student journalists today want to ensure a thoughtful and thorough pursuit of the truths that matter to them and their peers. Yet as we lecture students in class on how to be civic-minded critical thinkers, thirty years of *Hazelwood* has bred curiosity and confidence out of our students. Today's new voices are tomorrow's media leaders and citizens; we can no longer afford to stifle them.

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. Please support HB 1529.



Jan. 30, 2020

Chairman Justin Woodson  
House Committee on Lower and Higher Education  
Honolulu, HI

Re: House Bill 1529

Chairman Woodson and Committee Members:

The Hawaii Professional Chapter of the Society of Professional Journalists supports this bill.

It is important for student journalists to inform students, parents, teachers and many times the surrounding community about news in the school and community without fear of censorship.

Young people should find out things to learn how to function in a democracy. Toe-ing the line as administrators want is not the way of teaching them about society.

Stepping on the civil rights of student journalists also is not the way to tell young people how they should learn about responsible, free expression and how to "do their jobs" the community and society when they become adults.

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

I am sure you will agree that we don't want students growing up to be unthinking automatons, and doing journalism under the threat of censorship or discipline is not the way to encourage the free flow of ideas.

Thank you for your time and attention,

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

**Testimony of Frank D. LoMonte, attorney and media-law professor  
House Bill 1529, the Hawaii Student Free Expression Act  
House Committee on Lower and Higher Education (LHE)  
Submitted for committee hearing of January 29, 2020**

I thank the sponsors of House Bill 1529 for the invitation to share some information with the committee about the practice of student journalism and the legal climate in which student journalists and educators work. This testimony is drawn from my 20 years of experience as an attorney, including nine spent as executive director of the Student Press Law Center, a nonprofit legal-services organization serving the needs of student journalists and educators nationwide. I have studied and written about these laws for many years, including authoring two editions of a textbook, “Law of the Student Press,” that is the most widely used reference manual in the field of scholastic journalism. In my role at the Student Press Law Center, I supervised an attorney hotline receiving some 2,500 calls for legal assistance yearly from students nationwide, many hundreds of whom are experiencing restraints on their ability to gather and publish news. I have taught media law to both undergraduates and law students since 2014 as an instructor with the University of Georgia and University of Florida, where I now teach full-time. (This testimony is submitted in my personal capacity and not on behalf of any institution.)

The legal protection that is afforded to student journalists today under federal law is imbalanced and is widely recognized as inadequate for the effective teaching of sound journalistic values and practices. The Supreme Court’s 1988 *Hazelwood* ruling has effectively removed all federal protection for the rights of students in journalistic media. After 32 years of experience under *Hazelwood*, every leading authority in the field of journalism education – both educators and professional practitioners alike – agrees that the right amount of press freedom in educational institutions cannot be “zero.” The Society of Professional Journalists, the American Society of News Editors, the National Council of Teachers of English, the American Bar Association, the National Council for the Social Studies and many other such organizations have called on states to reform the *Hazelwood* standard, because young people are graduating unprepared to have educated conversations about the social and political issues that censorship restrains them from discussing.

This growing consensus has fueled a national movement known as “New Voices,” to enact statutes that bring the governance of student media back to the sensible middle ground that existed before *Hazelwood* was decided. Fourteen states now have laws comparable to HB 1529 protecting the ability of students to publish the lawful and non-disruptive editorial content of their choice. Pennsylvania and the District of Columbia offer the same level of protection by way of State Board of Education rule. One-third of all high-school students in America have the level of protection today that is contemplated in HB 1529, so there is nothing experimental or unproven about student press freedom laws. The combined experience of these jurisdictions covers more than 180 years, and in those 180 years, no “horribles” have materialized. There is not a single case available in any of the publicly available databases of court records dating back two centuries in which a school has been ordered to pay anyone a dollar for harmful material published by student journalists. And New Voices laws strengthen, not weaken, the liability protection for schools by clarifying that the speech of students is not the speech of their schools.

New Voices laws do not result in students prolifically suing their schools over censorship. A study published in the *Maine Law Review* in 2013 found only six documented instances in which a New Voices statute had ever been cited in a published court ruling (subsequent to 2013, there has been a seventh case, at a college in Illinois). It is our experience that New Voices statutes avoid, rather than cause, litigation because they clarify the boundaries of government authority and simplify resolving disputes. New Voices laws are advancing across the country with overwhelming bipartisan support because of the growing recognition that digital-age journalism can no longer be taught and practiced by 1980s-era standards.

Legislative reforms are timely because students at the high-school level regularly report being forbidden from publishing news and opinion about issues of social and political concern. In a March 2017 journal article (“Mixed Message Media: Girls’ Voices and Civic Engagement in Student Journalism”), University of Kansas researchers Peter Bobkowski and Genelle Belmas document their findings from a fall 2015 survey of 491 high-school journalism students across North Carolina. That survey found that 38 percent of students had been told that entire topics were categorically off-limits for discussion in student journalistic publications, the most common being drug or alcohol abuse. The KU

study further found that female students were significantly more likely than male students to report both direct censorship as well as “self-censorship” in anticipation of adverse reaction from authority figures. More than half (53 percent) of female students said they had refrained from even attempting to write about an issue of importance to them, expecting to be censored.

Because this question has arisen in other states, I want to address the issue of how a state statute can “override” a U.S. Supreme Court decision. When the Supreme Court issues a ruling on the constitutional rights of individuals, the Court is setting a floor for states and not a ceiling. The *Hazelwood* ruling can be summarized as: “Students have the federally protected right to speak in ‘curricular’ student media unless the school can present a justification for censorship that is ‘reasonably related to legitimate pedagogical concerns.’” Nothing in *Hazelwood* precludes a state from offering state-protected rights that supplement federally protected rights. There is no “inconsistency” between the *Hazelwood* ruling and a state law like HB 1529 that extends to students the benefit of additional state-protected press freedoms.

New Voices statutes do not put the rights of student journalists on par with those of professionals at *The Wall Street Journal*. The Supreme Court has said that nothing short of leaking military battle plans during wartime might justify restraining the distribution of a professional newspaper. New Voices protection is much more limited. New Voices statutes simply restore the protection that existed before *Hazelwood* under the legal principles set forth by the Supreme Court in *Tinker v. Des Moines*. *Tinker* has been the law of the land for 51 years. It is the standard that applies today to students’ baseball caps, T-shirts and all other personal communications. Anything that a school could lawfully stop a student from saying on a T-shirt (include gang symbols, threats, obscenity or other disruptive speech) can equally be withheld from student news media under HB 1529.

In summary, *Hazelwood* is a relic of a time when it might have been possible to keep students from learning about teenage pregnancy by tearing pages out of newspapers. Of course, that is not the world we live in today. Young people are bombarded with online gossip, rumor and fabrication. By welcoming the discussion of political and social issues into the newsroom, those issues can be debated in a verified, supervised way – with fact-



checking, with balance and with accountability, none of which exists if censorship pushes the discussion onto social media.

The American Bar Association endorsed the enactment of New Voices legislation in a resolution unanimously passed at its August 2017 national convention. I'll conclude with a portion from that resolution, which echoes the concern of civics-education experts everywhere that young people are graduating from school, and even college, unprepared for participatory citizenship:

“It is the consensus of every leading expert in journalism education that *Hazelwood* has fostered censorship for purposes of image control rather than education, and that *Hazelwood* has diminished the opportunity for students to make their voices heard. High-quality student journalism... gives marginalized students opportunities for recognition; it sheds light on ways in which schools are performing unsatisfactorily and could be improved; and it builds healthy news readership habits. Meaningful civic education requires that students feel safe and empowered to discuss issues of social and political concern in the responsible, accountable forum of journalistic media.”

Respectfully submitted,  
Frank D. LoMonte, Esq.  
Attorney and media-law professor  
10000 SW 52<sup>nd</sup> Ave., #143X  
Gainesville, FL 32608  
(404) 545-1195 mobile  
franksplc@gmail.com

January 29, 2020

Aloha, Rep. Justin H. Woodson, Chair, Rep. Mark J. Hashem, Vice Chair, and members of the House Committee on Lower & Higher Education.

I am writing to express my **strong support** of HB1529 Related to Student Journalists.

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

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

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

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

After my tenure as Ka Leo editor, ended after a newly-implemented term limit by the UH Board of Education, my student colleagues and I 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, and a dispute in which we ultimately prevailed. Yet the dispute was not without its ramifications, 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.

**HB-1529**

Submitted on: 1/29/2020 10:40:06 AM

Testimony for LHE on 1/30/2020 2:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
chengHong He	Individual	Support	No

Comments:

**HB-1529**

Submitted on: 1/29/2020 10:41:24 AM

Testimony for LHE on 1/30/2020 2:20:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wynn	Individual	Support	No

Comments:

**HB-1529**

Submitted on: 1/29/2020 10:42:52 AM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kelly Cheng	Individual	Support	No

Comments:

My name is Kelly Cheng. I am a reporter and am writing in support of HB1529 to restore First Amendment protection to scholastic journalists. Student journalists tell important stories that matter to young people. Student journalists cover their campus. We need to be able to do our job. This bill allows us to do that. Please support it.

**HB-1529**

Submitted on: 1/29/2020 10:44:29 AM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nickolas Castillo	Individual	Support	No

Comments:

My name is Nickolas Castillo. I am a student journalist and writing in support of HB1529 to restore First Amendment protection to scholastic journalists. Student journalists tell important stories that matter to young people. Student journalists cover their campus. We need to be able to do our job. This bill allows us to do that. Please support it.

**HB-1529**

Submitted on: 1/29/2020 12:18:29 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Thai Bui	Individual	Support	Yes

Comments:

**My name is Thai Bui. I am a student journalist and am writing in support of HB1529 to restore First Amendment protection to scholastic journalists. Since 1988, one group of students has had their rights restricted, student journalists. A free press is vital to a democracy and it is equally vital that young people like me learn how to practice and understand journalism in the most realistic setting possible. We are taught press law, news value, and journalistic ethics. We have an editing process. We value the input of our adviser. At McKinley, 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. We want all Hawaii student journalists protected. We want to be able to seek truth, confident that 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. This bill will create better education and a better democracy.**

**HB-1529**

Submitted on: 1/29/2020 1:37:40 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kawika Ke Koa Pegram	Individual	Support	No

Comments:

**Testimony in support of:****HB1529: Relating to Student Journalists****Submitted by: Kawika Pegram****Dear Chair Woodson and LHE Committee members,**

**My name is Kawika Pegram, and until the summer of last year, I served as one of the editors on the Cane Tassel - Waipahu High School's student-run newspaper. During my time at the newspaper, I have heard multiple stories about students in my organization that were censored by the school's administration. Some were, admittedly, fair catches and we removed them. But others were a direct censorship of genuine journalism. Due to the public nature of this testimony and possible retribution for listing the censorship, I cannot list specific instances, but I will be happy to meet with any legislator who would like to find out more. Because of past censorship, it made my team at the Cane Tassel worrisome of future censorship and it has caused us to water-down the type of articles we wrote.**

**This is especially unfortunate when I look at other schools who had the student journalism protections put in place. Those schools were able to uncover great stories while never having to worry about retribution or censorship from administrators. One example is Pittsburg High School and their article which uncovered several lies within their Principal's resume such as fake university degrees and made-up experience. The Principal resigned days later.**

**Furthermore, as I look into the future of journalism, I see the extraordinary lack of local journalism publications. This is a vacuum of information that student-**



journalists have the opportunity to fill. But in my experience, I know that student-journalists cannot take up the role as local community journalists if they aren't given the freedom necessary to pursue exciting, important, and informational stories. This bill will allow just that while also giving the school administration's enough oversight to ensure everyone is protected.

**Mahalo nui loa,**

**Kawika Pegram**

**HB-1529**

Submitted on: 1/29/2020 1:45:03 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Aisha Heredia	Individual	Support	No

Comments:

Aloha,

I support HB1529 as it protects student journalists from being censored for their stories published in student media at their schools. Freedom of speech is one of our Bill of Rights, and should be protected in our Hawaii Public Schools. I feel this bill will help student journalists create honest stories, that have the potential to change injustices at their school or communities. If we do not protect our students, how can they feel open to share or publish stories that can be a catalyst for change? And how can our students learn what it is like to be a journalist without freedom of speech? I support HB1529 because it will enhance the learning opportunities of our student journalists.

Mahalo,

Aisha Heredia

Former STEM Teacher

**HB-1529**

Submitted on: 1/29/2020 2:07:58 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia Reves	Individual	Support	Yes

## Comments:

**My name is Cindy Reves and I support HB1529 to protect the First Amendment rights of student journalists in Hawaii. A Supreme Court ruling in 1988 has restricted those rights and Hawaii can right this wrong. I teach my student journalists press law, news value, and journalistic ethics. Beyond that, it is a student-run newspaper. The staff chooses what they want or feel needs to be covered. When they need an adult's advice, they come to me. Editors make the publication decisions. At McKinley, I am lucky that my administrator understands all this and supports what I do with the student newspaper. But I want a law that will extend this support, because not all student journalists in Hawaii are allowed the real-world learning that comes from making the decisions that must be made to produce a student-run newspaper.**

**In my role as president of the Hawaii Scholastic Journalism Association, I hear stories of Hawaii administrators whose actions show they do not trust student journalists and their advisers.**

- 1. 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.**
- 2. 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.**
- 3. 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?"**
- 4. 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.**

5. **A college newspaper didn't cover an issue for fear it would get their adviser in trouble.**
6. **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**

**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. I urge you to support HB1529.**

**LATE**

I write in support of HB1529 Relating to Student Journalists.

I have been a working journalist in Hawaii and am currently teach Journalism at the University of Hawai`i at Manoa. This bill proposes to extend the rights of freedom of speech and freedom of the press to student journalists in the public schools. As the Supreme Court of the United States famously said in the case of Tinker v. Des Moines (1969): "It can hardly be argued that either students or teacher shed their constitutional rights to freedom of speech at the schoolhouse gate." Unfortunately, in the years since the court made that declaration, federal laws and state laws and school administrators have threatened student journalists and publication advisers with censorship. The problems are well documented by the Student Press Law Center. This bill protects the rights and clarifies the responsibilities of all those involved in journalism in public schools, the students, advisers, and administrators. Now more than ever, we need young people engaged in the democratic process and need to respect their constitutional rights to freedom of speech and freedom of the press. Passage of this legislation lets students know that their voices matter. I support this bill and urge the committee to move it in its current form.

Sincerely,  
Gerald Kato  
Associate Professor  
School of Communications  
College of Social Sciences  
University of Hawai`i at Manoa

**HB-1529**

Submitted on: 1/30/2020 9:44:32 AM

Testimony for LHE on 1/30/2020 2:20:00 PM

**LATE****LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Katrina Karl	Individual	Support	No

**Comments:**

I'm testifying in support of HB1529. My name is Katrina Karl and I am testifying in my capacity as a student journalism adviser. 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 New Voices gives 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.

**LATE**

**LATE**

**HB-1529**

Submitted on: 1/30/2020 12:11:23 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mia Nakagawa	Individual	Support	No

Comments:

**HB-1529**

Submitted on: 1/30/2020 12:11:43 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

**LATE**

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Althea Lutz	Individual	Support	No

Comments:



**LATE**

**LATE**

**HB-1529**

Submitted on: 1/30/2020 12:15:01 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
maia	Individual	Support	No

Comments:

**LATE****LATE****HB-1529**

Submitted on: 1/30/2020 1:33:57 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Howe	Individual	Support	No

**Comments:**

I am testifying in support of HB1529. My name is Jennifer Howe and I'm a former yearbook, newspaper, broadcast media adviser. I taught and advised for five years in the Hawaii Department of Education. I am testifying in my capacity as an individual.

Media publications at schools are created by students. They learn journalism from their teachers and apply their learning by creating publications for their student body. Passing HB1529 would provide Hawaii student journalists with stronger First Amendment rights and elevate their voices. The Student Press Law Center receives thousands of requests for legal assistance per year from student journalists, and stories of repressed writing are shared constantly between school journalism staffs. Censorship sends the message that student voices don't matter.

Empowerment is one of the Hawaii DOE Promise Plan themes. The DOE defines this theme as the following: "Students will develop their authentic voice as contributors to equity, excellence and innovation, by providing input on what they learn, how they learn, and where they learn.

— MARKERS: Engagement; civic & policy voice; educational leadership; discovery; choice."

I respectfully request that you support the Hawaii Student Free Expression Act HB1529 and accept this bill in its current form to ensure student voice is heard.

**LATE**

**LATE**

**HB-1529**

Submitted on: 1/30/2020 2:19:46 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mia	Individual	Support	No

Comments:

**LATE**

**LATE**

**HB-1529**

Submitted on: 1/30/2020 2:20:25 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bryce	Individual	Support	No

Comments:

I support.

**HB-1529**

Submitted on: 1/30/2020 2:20:14 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

**LATE**

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
wm	Individual	Support	No

Comments:

**LATE**

**LATE**

**HB-1529**

Submitted on: 1/30/2020 2:20:59 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
kennedy	Individual	Support	No

Comments:

**LATE****LATE****HB-1529**

Submitted on: 1/30/2020 2:39:25 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sarah Milianta-Laffin	Individual	Support	No

## Comments:

Dear House Members,

In this time of massive issues with "fake news" and propaganda, journalism is more important than ever. We need young journalists with a passion for accurate reporting to keep our democracy strong. Students who have the freedom to develop journalism skills are the most likely to continue with the profession in the future. Students who feel like their work is edited or judged by adults, and pressured to change stories will think that's actually how the system works. If we as adults say we want true "student voice" in our schools, that voice must be independent. Please support HB1529 and student journalists throughout Hawai'i.

Mahalo,

Sarah Milianta-Laffin

Ilima Intermediate School Teacher

Ewa Beach, HI

# Late Testimony

## **HB-1529**

Submitted on: 1/30/2020 5:00:50 PM

Testimony for LHE on 1/30/2020 2:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jay Hartwell	Hawaii Publishers Association	Support	Yes

### Comments:

Dear Chair Woodson and Committee Members:

I am grateful that your committee clerk reached out to me to confirm whether I had submitted testimony 24 hours prior to today's hearing on HB 1529. I thought I had and also indicated on the website that I would testify in person on behalf of the Hawaii Publishers Association.

I am sorry that my testimony was not received. It is pasted below this message.

During the hearing, I spoke about HPA's sponsorship of the annual Hawaii High School Journalism Awards (HHSJA) and that we have done so for more than 40 years because the Association believes in the education and community service and voice that student media programs provide to our high school students.

During the two decades I served as faculty adviser to University of Hawai'i at Mānoa student media programs (1997-2017), I sponsored an annual Journalism Day for high school students so they could improve their skills in preparation for the the HHSJA. During those J-Days, and in other meetings with high school advisers and their students, I learned how administrative censorship has impacted programs and denied students opportunities to serve their schools and learn how to be better journalists.

In 1974, I graduated from Kailua High School after working as editor and reporter for The Surfrider newspaper. That experience continued on my college newspaper, then with a press club internship at the Honolulu Star-Bulletin, graduate school in journalism (Columbia) before returning home to be a general assignment reporter for The Honolulu Advertiser (1980-1988).

I owe my career to the initial guidance and freedom that my high school adviser, Mr. Curtis Heaton, provided at Kailua.

At today's hearing, during questioning of DOE's representative Petra Schatz, she said some administrators are worried about the bill should an elementary school student want to publish an article that that principal might consider harmful to school's reputation. It might be helpful for the committee to ask how many elementary and



middle schools have news programs. Many have video programs that participate in the annual 'ĀĀelelo Youth Xchange competition.

Please do me a favor and confirm receipt of this email and the testimony that I pasted below.

Thank you.

Sincerely,

Jay Hartwell

President, Hawaii Publishers Association

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January 28, 2020

Dear Chair Woodson and Members of the LHE Committee:

The Hawaii Publishers Association is in support of HB 1529 that provides First Amendment protection for Hawai'i's student journalists and their advisers.

Civic engagement is vital to a functioning democracy. Young people who are civically engaged become adults who are civically engaged. Working for a school's news media program provides educational civics lessons.

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 annual requests for legal assistance from student journalists. Censorship sends the message that student voices and education do not matter.

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. Student voices matter.

We respectfully request that you support this legislation and accept this bill to ensure student voices are heard.

Sincerely,

Jay Hartwell

President, Hawaii Publishers Association