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# A BILL FOR AN ACT

RELATING TO STUDENT JOURNALISM.

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

1           SECTION 1. This Act shall be known and may be cited as the  
2 Hawaii Student Journalism Protection 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 and colleges need additional protection  
8 against censorship, and that advisors need additional  
9 protections against retaliation for refusing to illegally censor  
10 student journalists.

11           The purpose of this Act is to establish the Hawaii Student  
12 Journalism Protection Act in order to:

- 13           (1) Allow student journalists at public schools and  
14                 colleges to exercise freedom of speech and freedom of  
15                 the press in school-sponsored media; and  
16           (2) Protect advisors from retaliation for refusing to  
17                 infringe upon student press freedom.



1 SECTION 3. Chapter 302A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§302A- Student journalists; school-sponsored media.

5 (a) A student journalist shall be allowed to exercise freedom  
6 of speech and freedom of the press in school-sponsored media and  
7 shall not be disciplined for acting in accordance with this  
8 section. A student journalist is responsible for determining  
9 the news, opinion, feature, and advertising content of school-  
10 sponsored media.

11 (b) Nothing in this section shall be construed to prevent  
12 a student media advisor from teaching professional standards of  
13 English language use and journalism to student journalists or  
14 determining grades and credit for such purposes.

15 (c) Nothing in this section shall be construed to  
16 authorize or protect student expression that:

- 17 (1) Is libelous or slanderous;
- 18 (2) Constitutes a clearly unwarranted invasion of personal  
19 privacy;
- 20 (3) Violates state or federal law;
- 21 (4) Is obscene; or



1       (5) So incites students as to create a clear and present  
2       danger of the commission of an unlawful act, the  
3       violation of lawful school or board policies, or the  
4       material and substantial disruption of the orderly  
5       operation of the school; provided that the  
6       determination of a risk of material and substantial  
7       disruption shall be based upon specific facts  
8       including past experience in the school and current  
9       events influencing student behavior, and not on  
10       undifferentiated fear or apprehension.

11       (d) There shall be no prior restraint of material prepared  
12       for school-sponsored media except as provided in subsection (c).  
13       School officials shall have the burden of showing justification  
14       without undue delay prior to a limitation of student expression  
15       under this section and shall establish a reasonable period of  
16       review for material prepared for school-sponsored media. If the  
17       period of review elapses without a decision, the material  
18       prepared for school-sponsored media shall be considered  
19       authorized.

20       (e) No publication or other expression of material by  
21       student journalists in the exercise of rights under this section



1 shall be deemed to be an expression of the school, board, or  
2 department. No state agency, member of the board, officer of  
3 the department, or employee of any agency or the board shall be  
4 held responsible in any civil or criminal action for the  
5 publication or other expression of material by student  
6 journalists in the exercise of rights under this section.

7 (f) A student media advisor shall not be dismissed,  
8 suspended, disciplined, reassigned, transferred, or otherwise  
9 retaliated against for:

10 (1) Acting to protect a student journalist engaged in  
11 conduct protected under this section or the First  
12 Amendment to the United States Constitution; or

13 (2) Refusing to infringe on conduct that is protected by  
14 this section or the First Amendment to the United  
15 States Constitution.

16 (g) The board shall adopt a written policy for the  
17 exercise of the right of student journalists to freedom of  
18 speech and the press in school-sponsored media in accordance  
19 with this section; provided that the policy shall include:

20 (1) Reasonable provisions for the time, place, and manner  
21 of distribution of student expression; and



1       (2) A procedure for the timely appeal of decisions made  
2           pursuant to this section.

3       (h) For the purposes of this section:

4       "School-sponsored media" means any material:

5       (1) Prepared, written, published, or broadcast in any  
6           media by a student journalist at a school;

7       (2) Distributed or generally made available, either free  
8           of charge or for a fee, to members of the student  
9           body; and

10       (3) Prepared under the direction of a student media  
11           advisor, regardless of whether the material is  
12           supported financially by the school or by use of  
13           facilities of the public school or produced in  
14           conjunction with a class for which the student is  
15           enrolled.

16       "School-sponsored media" does not include material intended for  
17       distribution or transmission for classroom purposes only.

18       "Student journalist" means a student who determines,  
19       gathers, compiles, writes, edits, photographs, records, or  
20       prepares information or advertising for inclusion in school-  
21       sponsored media.



1       "Student media advisor" means an individual employed,  
2 appointed, or designated by a school to supervise or provide  
3 instruction relating to school-sponsored media."

4       SECTION 4. Chapter 304A, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows

7       "§304A-     Student journalists; university-sponsored media.

8       (a) A student journalist shall be allowed to exercise freedom  
9 of speech and freedom of the press in university-sponsored media  
10 and shall not be disciplined for acting in accordance with this  
11 section. A student journalist is responsible for determining  
12 the news, opinion, feature, and advertising content of  
13 university-sponsored media.

14       (b) Nothing in this section shall be construed to prevent  
15 a student media advisor from teaching professional standards of  
16 English language use and journalism to student journalists or  
17 determining grades and credit for such purposes.

18       (c) Nothing in this section shall be construed to  
19 authorize or protect student expression that:

20       (1) Is libelous or slanderous;



- 1        (2) Constitutes a clearly unwarranted invasion of personal  
2        privacy;
- 3        (3) Violates state or federal law;
- 4        (4) Is obscene; or
- 5        (5) So incites students as to create a clear and present  
6        danger of the commission of an unlawful act, the  
7        violation of lawful university policies, or the  
8        material and substantial disruption of the orderly  
9        operation of the university; provided that the  
10       determination of a risk of material and substantial  
11       disruption shall be based upon specific facts  
12       including past experience in the university and  
13       current events influencing student behavior, and not  
14       on undifferentiated fear or apprehension.
- 15       (d) There shall be no prior restraint of material prepared  
16       for university-sponsored media except as provided in subsection  
17       (c). University officials shall have the burden of showing  
18       justification without undue delay prior to a limitation of  
19       student expression under this section and shall establish a  
20       reasonable period of review for material prepared for  
21       university-sponsored media. If the period of review elapses



1 without a decision, the material prepared for university-  
2 sponsored media shall be considered authorized.

3 (e) No publication or other expression of material by  
4 student journalists in the exercise of rights under this section  
5 shall be deemed to be an expression of the university or the  
6 board of regents. No state agency, member of the board of  
7 regents, officer of the department, or employee of any agency or  
8 the board of regents shall be held responsible in any civil or  
9 criminal action for the publication or other expression of  
10 material by student journalists in the exercise of rights under  
11 this section.

12 (f) A student media advisor shall not be dismissed,  
13 suspended, disciplined, reassigned, transferred, or otherwise  
14 retaliated against for:

15 (1) Acting to protect a student journalist engaged in  
16 conduct protected under this section or the First  
17 Amendment to the United States Constitution; or

18 (2) Refusing to infringe on conduct that is protected by  
19 this section or the First Amendment to the United  
20 States Constitution.





1        (g) The board of regents shall adopt a written policy for  
2 the exercise of the right of student journalists to freedom of  
3 speech and the press in university-sponsored media in accordance  
4 with this section; provided that the policy shall include:

5        (1) Reasonable provisions for the time, place, and manner  
6 of distribution of student expression; and

7        (2) A procedure for the timely appeal of decisions made  
8 pursuant to this section.

9        (h) For the purposes of this section:

10        "Student journalist" means a student who determines,  
11 gathers, compiles, writes, edits, photographs, records, or  
12 prepares information or advertising for inclusion in university-  
13 sponsored media.

14        "Student media advisor" means an individual employed,  
15 appointed, or designated by the university to supervise or  
16 provide instruction relating to university-sponsored media.

17        "University-sponsored media" means any material:

18        (1) Prepared, written, published, or broadcast in any  
19 media by a student journalist in the university  
20 system;



1       (2) Distributed or generally made available, either free  
2       of charge or for a fee, to members of the student  
3       body; and

4       (3) Prepared under the direction of a student media  
5       advisor, regardless of whether the material is  
6       supported financially by the school or by use of  
7       facilities of the university or produced in  
8       conjunction with a class for which the student is  
9       enrolled.

10      "University-sponsored media" does not include material intended  
11      for distribution or transmission for classroom purposes only."

12      SECTION 5. New statutory material is underscored.

13      SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

Student Journalism; School-Sponsored Media; University-Sponsored Media; Freedom of Press

**Description:**

Establishes freedom of press protections for student journalists producing school-sponsored media or university-sponsored media, subject to certain exceptions. Effective 7/1/2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

