



HAWAI'I STUDENT JOURNALISM PROTECTION ACT

In May 2022, the [Hawaii Student Journalism Protection Act](#) was signed into law. This law requires the Board of Education to create a written policy for student journalists so that they may exercise their right to freedom of speech and freedom of the press in school-sponsored media, while preventing any undue censorship. This law also provides protection for student media advisors from retaliation from refusing to unduly censor student journalists.

Specifically, the Hawaii Student Journalist Protection Act requires the Board of Education to adopt a student journalism policy that includes:

1. Reasonable provisions for the time, place, and manner of distribution of student expression; and
2. A procedure for the timely appeal of decisions.

The law requires that censorship of student media is unallowable except in the following instances where the content of student media:

- Is libelous or slanderous;
- Constitutes an unwarranted invasion of privacy;
- Is obscene;
- Violates federal or state law; and/or
- Incites students as to create a clear and present danger of the commission of an unlawful act, the violation of a lawful school district policy, or the material and substantial disruption of the orderly operation of the school.

The Office of Curriculum and Instructional Design (OCID) referred to [Board Policy 400-2: Policies and Policy-Setting](#), to determine the procedure for policy development and amendment. The policy outlines a nine-step sequence through which the Department collaborates with the Board to address policy needs. OCID has completed Steps 1-4, which included evaluating the current Board policy on student media to determine if the requirements of the law were met and gathering research on the policies other states have in development. Engagement from groups such as complex and school level administrators, as well as the Hawaii State Teachers Association, teachers, and charter schools were solicited to support the drafting of the new policy. In January, the Department presented an update on the process and two amendment options to the Board to elicit their feedback. Based on the Board's feedback, the Department is completing revisions of the [draft policy](#) (<https://bit.ly/SJDraftPolicy>).

The appeals process recommended by the Board included the following timeline:

<p>Step 1: Upon limitation of student media, the principal has three (3) business days to explain the reason for the limitation in writing.</p>	<p>Step 2: The student has five (5) business days to submit a written appeal challenging the decision to the Complex Area Superintendent.</p>	<p>Step 3: Upon receiving the appeal, the Complex Area Superintendent has five (5) business days to convene a hearing.</p>	<p>Step 4: At the hearing, both the principal and the student will present their positions. The student is allowed to have their parent or legal guardian, the student media advisor, and/or a third party advocate present during the hearing.</p>	<p>Step 5: The Complex Area Superintendent must deliver a written decision within two (2) business days after the hearing. The Complex Area Superintendent's decision is final.</p>
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The next steps in the process will be to gather additional feedback through this feedback form: <https://bit.ly/42d2dgj> from other stakeholders including students and student media advisors, and then present the final version of the policy to the Board for approval.

Should you have any questions, please contact:
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