

POLICY 101-9

SCHOOL-SPONSORED STUDENT MEDIA

Students of the public schools have the right to freedom of expression in school-sponsored media, as embodied in the First Amendment of the United States Constitution and in the Hawai'i Student Journalism Protection Act (HRS §302A-451).

School-sponsored media include, but are not limited to, print media (books, newspapers, yearbooks, magazines, posters, etc.), audio and/or video productions, and publications disseminated through electronic media, networks, or broadcasts. School-sponsored media is written, published, prepared, or broadcast by a student journalist at a school, is prepared under the direction of a student media advisor, and is distributed or made available to the school community for a fee or free of charge.

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

School administrators, with input from school media advisors and student journalists, shall provide reasonable provisions for the time, place, and manner of distribution of school-sponsored media, and shall follow the appeals process written in this policy. Administrative prior review should be rare.

Per the requirements of the Hawai'i Student Journalism Protection Act, there shall be no prior restraint of material prepared for school-sponsored media by student journalists, unless the school-sponsored media:

1. Is libelous or slanderous;
2. Constitutes an unwarranted invasion of privacy;
3. Is obscene;
4. Violates federal or state law; or
5. 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 above five exceptions are not authorized or protected by the Hawai'i Student Journalism Protection Act (HRS §302A-451).

Any limitation of the student journalist's drafted publication shall be submitted and explained in writing to the student journalist within three business days. The media is automatically authorized if the timeframe elapses. There shall be no prior restraint by any person of material prepared for school-sponsored media unless it falls within one of the exceptions.

Appeals Process

Should a student journalist wish to appeal the decision of an administrator or

advisor to not publish the student media, the student journalist shall have the right, within five (5) business days of receiving the written reason for limitation of the school-sponsored media, to appeal in writing to the complex area superintendent. The complex area superintendent or complex area educational officer designee shall offer, within five (5) business days of receiving the written appeal, to convene a hearing. The student journalist shall have the right to have their parent or legal guardian and the student media advisor and/or a third party advocate present at the hearing. The principal or the principal's designee shall explain the reason(s) for the objection(s) to the media. The student shall be given the opportunity to challenge the school's determination. The complex area superintendent or designee shall render a written decision within two business days. The complex area superintendent's decision shall be considered the final agency order for the purposes of judicial review as provided for under HRS §91-14.

A student journalist shall not be disciplined, penalized, restrained, or otherwise censored or punished when acting in accordance with this policy.

A student media advisor shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for acting to protect a student journalist engaged in permissible conduct or refusing to infringe upon conduct that is protected by the First Amendment of the United States Constitution, the Hawai'i Student Journalism Protection Act (HRS §302A-451), or this policy. No financial decisions relating to the student media program may be based, in whole or in part, on the past, present, or potential content of school-sponsored student media.

No publication or other expression of material by student journalists in the exercise of rights under the Hawai'i Student Journalism Protection Act (HRS §302A-451) shall be deemed an expression of the school, the Hawai'i Department of Education (Department), or the Hawai'i State Board of Education (Board). No state agency, member of the board, officer of the Department, or employee of any agency or the Board shall be held responsible in any civil or criminal action for the publication or other expression of materials by student journalists in the exercise of rights under the First Amendment of the United States Constitution or the Hawai'i Student Journalism Protection Act (HRS §302A-451).

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