

STAND. COM. REP. NO.

15371

Honolulu, Hawaii

MAR 25 , 2025

RE: H.R. No. 105
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Education, to which was referred H.R. No. 105 entitled:

"HOUSE RESOLUTION SUPPORTING FREE AND RESPONSIBLE SCHOLASTIC JOURNALISM AND ACTIVELY SUPPORTING AND HONORING THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION IN STUDENT PUBLICATIONS,"

begs leave to report as follows:

The purpose of this measure is to declare that the Legislature supports free and responsible scholastic journalism and actively supports and honors the First Amendment of the United States Constitution in student publications.

Your Committee received testimony in support of this measure from the Society of Professional Journalists Hawaii Professional Chapter; Student Press Law Center; Media Council Hawaii; and five individuals.

Your Committee finds that the Department of Education distributes to every student a Student Publication/Audio/Video Release Form (Release Form) as a means to protect students' rights to privacy under the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment. This Release Form must be returned with a parent's signature to authorize the Department of Education to use a student's name and

2025-2879 HR105 HD1 HSCR HMSO



likeness, photo, video, or audio in school-related publication print, analog media, and digital media. Your Committee further finds that the Hawaii Student Journalism Protection Act, enacted under Act 24, Session Laws of Hawaii 2022, and Board of Education Policy 101-9 allows student journalists at public schools to exercise freedom of speech and freedom of the press in school-sponsored media, and protects advisers from retaliation for refusing to infringe upon student press freedom.

Your Committee notes that FERPA only restricts the release of information by school officials; outside parties, including student journalists, who are neither employees nor agents of the school, are not covered by FERPA. Minors can give consent as long as they are cognitively able to understand what it means to talk to a journalist. Your Committee believes that applying FERPA to student media through the Release Form is unnecessarily placing prior constraint on student journalists.

Your Committee has amended this measure by:

- (1) Specifying that the Department of Education is requested to inform administrators that parent consent is not a legal requirement for publishing student names and photos in school-sponsored student-produced media, revise the current Release Form to remove any language that would lead a reasonable person to assume the Release Form applies to school-sponsored student-produced media, and update the Department's website related to student privacy to align with the revised Release Form no later than December 31, 2025; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 105, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.R. No. 105, H.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Education,

Justin H. Woodson
JUSTIN H. WOODSON, Chair



