



**TESTIMONY IN SUPPORT OF HAWAII HOUSE CONCURRENT RESOLUTION 109; HR105  
3/20/25**

Thank you for considering HCR 109/HR105. The Student Press Law Center stands in strong support of this resolution. We would be happy to answer any questions or concerns the committee may have regarding this resolution or other student press freedom matters.

The Student Press Law Center (SPLC) is an independent, non-partisan organization that promotes, supports and defends the press freedom and First Amendment rights of student journalists and their advisers. Our free legal hotline provides services to students and teachers across the country. As such, we were involved in the passage of Hawaii's Student Journalism Protection Act, which protects the rights of student journalists at public schools.

We applaud Hawaii for being the 16th state to enshrine protections for student journalists into state law ("the statute"). Since its passage in 2022, SPLC has worked alongside Hawaii's student media advisers to ensure that the statute is implemented across the state through advocating for the required school board policy and providing training for school administrators. These efforts have led to the successful passage of an updated school board policy, but also highlighted some policies or procedures formerly unknown to us. When we were informed of the Student Publication/Audio/Video Release Form ("the form"), and the belief that it is required for the purposes of school-sponsored media, we had immediate concerns.

Given the distance the new statute creates between student journalist and school district, the former policy requiring the form has no place in the new scheme as contemplated by the legislature. This is because the statute provides that student journalists are "responsible for determining the news, opinion, feature, and advertising content of school-sponsored media", and any interference with that process is now contrary to state law, unless the student publication engages in a list of proscribed speech, also enumerated in the statute. At this point, requiring the students to furnish the form and indulge in its requirements assumes that the students are employees of the school district, encumbered by privacy laws like the Family Education Rights and Privacy Act (FERPA), even though only employees or agents of the district are so encumbered. Student journalists, engaging in their free speech rights mandated by the statute, are able to obtain lawful consent from interviewed or photographed subjects as governed by the strictures of their craft, including and especially journalism ethics. Fellow students are no exception: parental consent is not required when a minor independently consents to the depiction by a student journalist.



For these reasons, the form is obsolete when it comes to the work of student journalists in the school district. In order to alleviate confusion in the wake of the new statute, HCR 109/HR105 is essential to communicate to all student media in the state that the form is only needed for communications and releases that originate from the district itself.

Thank you for your support of HCR 109, and for your ongoing trust and respect for Hawaii's student journalists.

SUBMITTED BY: Jonathan Gaston-Falk, staff attorney  
[jfalk@splc.org](mailto:jfalk@splc.org)

**HR-105-HD-1**

Submitted on: 3/28/2025 11:57:50 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:


Please support this important bill. Mahalo.

Thank you for the opportunity to testify in support of HR105 and HCR109.

My name is Cindy Reves. I have a bachelor's degree in journalism and have been the adviser for Mckinley High School's student newspaper for over a decade. I am Hawaii's director for the Journalism Education Association and was the lead adult advocate for the Hawaii Student Journalism Protection Act. I am also the author of these resolutions.

I have brought my concerns about Form SP/VR (which you can see in its entirety at the end of my testimony) to the DOE but until they testified on these resolutions in front of the EDN committee on Mar. 20, 2025, no one had told me they agreed with my concerns and that plans were moving forward to address them. I thank the legislature for allowing me the opportunity to make my points in public and on the record and to get a DOE response also in public and on the record. It is important that these resolutions get passed to add the force of the legislature to the DOE's actions.

I would like to use my written testimony to walk through the SP/VR form and highlight parts as they connect to the resolutions.

Form SP/VR	
	State of Hawaii Department of Education
Student Publication/Audio/Video Release Form-General	
<i>This form supersedes all previous Student Permission to Videotape/Record, Reproduce Work and Student Publication/Audio Release Forms.</i>	
<i>Note: This form does not apply to the creation or use of digital or print media of students for research purposes, including post-secondary degree requirements. For more information visit: <a href="http://bit.ly/HIDOERESEARCH">http://bit.ly/HIDOERESEARCH</a> or <a href="http://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/HawaiiEdData/Pages/Data-Requests.aspx">http://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/HawaiiEdData/Pages/Data-Requests.aspx</a></i>	
In order to protect students' rights to privacy as outlined in the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA), parents/guardians or eligible students (those aged 18 or over) are being asked to give the Hawaii State Department of Education (HIDOE) permission to create and/or use digital/electronic or print media of students' name, voice, likeness or images of student work for the purposes described in this form.	

Form SP/VR refers to FERPA.

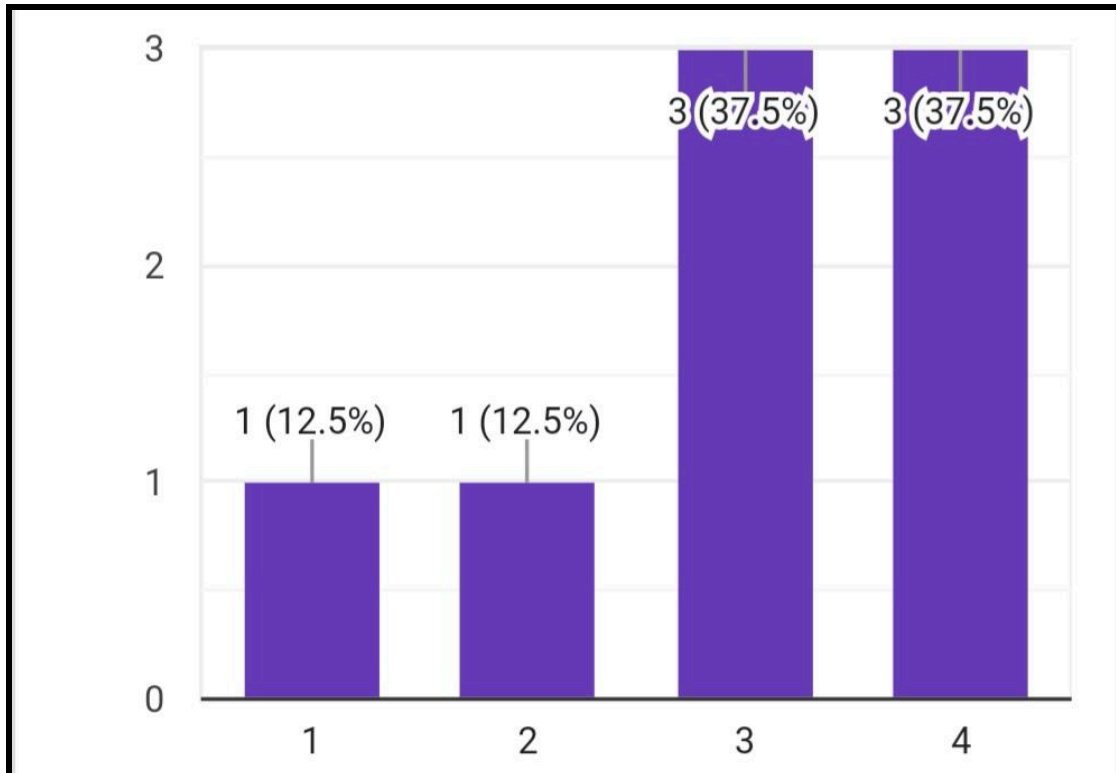
The resolutions explain that FERPA does not apply to student journalists.

However, school administrators think it does, based in a Google Form I sent to advisers that asked

**To what extent do you think your administration believes this statement:**

To use a student's name and/or photo in school-sponsored student-produced media (such as yearbook, newspaper, broadcast, literary magazine, ...), the parent must have signed and returned the Student Publication/Audio/Video Release Form and marked "Yes."

My administration DOES NOT believe this.
1 <input type="radio"/>
2 <input type="radio"/>
3 <input type="radio"/>
4 <input type="radio"/>
My administration DOES believe this.



(The response that indicated a 1 was a college adviser.)

Form SP/VP only specifically names yearbooks, but the advisers who responded to the Google Form advise a variety of student-led media.

By providing Hawaii Department of Education (HIDOE) your permission, the student's names and/or likenesses, photo, video, and/or audio may be used in HIDOE school-related publication print and analog/digital media.

Potential HIDOE uses:

- A playbill, showing the student's role in a drama production
- Annual yearbook
- Honor roll or other recognition lists and programs
- Graduation programs and announcements
- Sports activity programs or sheets, such as for wrestling, showing weight and height of student
- School newsletters
- Audio and video recordings to aid with reinforcing appropriate behaviors
- Audio and video recordings capturing those memorable moments, such as graduation ceremonies and May Day and other holiday programs or school events
- Student photographs for classroom, teacher, school and/or HIDOE use
- Officially recognized activities and events
- Participation in distance learning lessons or school activities

Form SP/VR only specifies the consequences for a Yes or No, but there are schools with more than 30% of forms unreturned. Unreturned is not a “Yes.”

Hawaii student teachers participating in educator preparation programs and staff in professional development courses within the HIDOE may have access to student work and/or other student publications during the course of their studies.

By checking “yes” and signing the Student Publication/Audio/Video Release Form (RS 24-0607), parents, guardians, and eligible students provide permission for all potential HIDOE uses for HIDOE non-commercial, educational purposes and cannot select individual items.

By checking “No” and signing the Student Publication/Audio/Video Release Form (RS 24-0607), HIDOE and school will not publish or display the student’s photo, names, their school work, and any recordings, including but not limited to, the potential HIDOE uses listed on the front and back of this form.


**This form is valid for the student while she/he attends the school listed on the front of the form, and where the form was turned into, unless rescinded by the parent or eligible student or revision of the Student Publication/Audio/Video Release Form (RS 24-0607).**

Making sure that the student journalists we advise do not publish the names or photos of 30% of their school defeats the goal student publications have of being a “voice for the school,” is time-consuming, and leaves advisers open to missing something and possibly being reprimanded.

The Student Press Law Center, who the DOE consulted to create webinars to educate those involved in student journalism, says minors can give consent. Students, not just student journalists, have first amendment rights.

Student journalists and those they interview should be making the decisions about whose voices are heard in student-led publications, and those decisions should be grounded in news value and journalism law and ethics, not FERPA.

Sincerely,  
Cindy Reves  
president, Hawaii Scholastic Journalism Association  
adviser, McKinley High School student newspaper  
state director, Journalism Education Association  
Certified Journalism Adviser

	<p><b>State of Hawaii Department of Education</b></p>	<p><b>Student Publication/Audio/Video Release Form-General</b></p>						
<p><i>This form supersedes all previous Student Permission to Videotape/Record, Reproduce Work and Student Publication/Audio Release Forms.</i></p> <p><i>Note: This form does not apply to the creation or use of digital or print media of students for research purposes, including post-secondary degree requirements. For more information visit: <a href="http://bit.ly/HIDOERESEARCH">http://bit.ly/HIDOERESEARCH</a> or <a href="http://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/HawaiiEdData/Pages/Data-Requests.aspx">http://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/HawaiiEdData/Pages/Data-Requests.aspx</a></i></p> <p>In order to protect students' rights to privacy as outlined in the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA), parents/guardians or eligible students (those aged 18 or over) are being asked to give the Hawaii State Department of Education (HIDOE) permission to create and/or use digital/electronic or print media of students' name, voice, likeness or images of student work for the purposes described in this form.</p> <p>I hereby give my permission to HIDOE to create or use the media described above of my child (if parent/guardian)/me (if eligible student) or my child's/my work- video and audio recordings, photographs, and images - for the following educational purposes:</p> <ul style="list-style-type: none"> <li>• Publication on HIDOE's websites, social media accounts, or other digital/electronic media, or in print</li> <li>• HIDOE staff professional development, including peer and advisory observations</li> <li>• Training within HIDOE schools related to preparation programs</li> <li>• Participation in distance learning lessons or school activities</li> </ul> <p>I understand that the distribution of these media may include print, online, or digital/electronic media and open-circuit broadcast, closed-circuit, or cable television transmission within or outside of the State of Hawaii.</p> <p>I understand that there will be no compensation, financial or otherwise, by HIDOE for its use of these media, either for initial or subsequent transmission or playback.</p> <p>I understand that granting permission includes a potential risk of loss of privacy. I hereby release HIDOE from any liability resulting from or connected with the creation or use of these media. I understand that permission is granted for the life of the media. I release all interest in the media for which I am giving permission.</p> <p>I understand that I may withdraw my permission at any time without any negative consequences by submitting a written statement to my child's/my school. I understand that withdrawing consent will not affect my child's/my standing in school, nor any publication or work using these media which has already been produced.</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No    HIDOE has my permission to create or use digital or print media of my child's/my name, voice, likeness or images of my child's/my work exclusively for the non-commercial, educational purposes stated above.</p> <p><b><i>This form is valid for the student while attending the below-listed school, unless rescinded by the parent or eligible student, the student exits the below-listed school, or revision of the Student Publication/Audio/Video Release Form (RS 24-0607). By signing this form, I agree to the terms and conditions stated in this form, unless I check the "no" box.</i></b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-top: 1px solid black; padding-top: 5px;">Student's Name (Please Print)</td> <td style="width: 50%; border-top: 1px solid black; padding-top: 5px;">Parent/Guardian (Please Print)</td> </tr> <tr> <td style="border-top: 1px solid black; padding-top: 5px;">School</td> <td style="border-top: 1px solid black; padding-top: 5px;">Parent/Guardian's Signature &amp; Date</td> </tr> <tr> <td style="border-top: 1px solid black; padding-top: 5px;">Home Address: Street number, street name</td> <td style="border-top: 1px solid black; padding-top: 5px;">City, State, Zip Code</td> </tr> </table>			Student's Name (Please Print)	Parent/Guardian (Please Print)	School	Parent/Guardian's Signature & Date	Home Address: Street number, street name	City, State, Zip Code
Student's Name (Please Print)	Parent/Guardian (Please Print)							
School	Parent/Guardian's Signature & Date							
Home Address: Street number, street name	City, State, Zip Code							

## Student Publication/Audio/Video Release-General (RS 24-0607)

By providing Hawaii Department of Education (HIDOE) your permission, the student's names and/or likenesses, photo, video, and/or audio may be used in HIDOE school-related publication print and analog/digital media.

Potential HIDOE uses:

- A playbill, showing the student's role in a drama production
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- Honor roll or other recognition lists and programs
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**This form is valid for the student while she/he attends the school listed on the front of the form, and where the form was turned into, unless rescinded by the parent or eligible student or revision of the Student Publication/Audio/Video Release Form (RS 24-0607).**



**HR-105-HD-1**

Submitted on: 3/30/2025 5:25:48 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rose Ganotisi	Individual	Support	Written Testimony Only

Comments:

I am reporter for McKinley High School's student newspaper.

**HR-105-HD-1**

Submitted on: 3/31/2025 11:02:46 AM

Testimony for JHA on 4/1/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Maya Xu	Individual	Support	Written Testimony Only

Comments:

I am staff member of Mckinley high schools yearbook team. If we had to follow/consider this form, it is unlikely that the yearbook would be completed by the deadline.

**HR-105-HD-1**

Submitted on: 3/31/2025 1:28:30 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dominic Niyo	Individual	Support	In Person

Comments:

Aloha Comittee Members,

My name is Dominic Niyo, and I am a student journalist at McKinley High School’s newspaper, The Pinion, where I also serve as an editor. I am writing in support of HR 105 and HCR 109, which upholds the rights of student journalists and ensures that we can fulfill our responsibilities without unnecessary restrictions.

As a student journalist, my job is to report on issues that matter to my school and community with accuracy, fairness, and integrity. However, without clear protections, student journalists risk being censored or required to obtain parental consent for every interview or report, which can hinder our ability to cover timely and important stories. Journalism is about truth-seeking and holding those in power accountable, and limiting our ability to do so weakens the very purpose of student media.

HR 105 is essential because it recognizes that student journalism is more than just a classroom exercise; it is real journalism with real impact. Requiring parental consent for interviews, for example, creates unnecessary barriers that can prevent us from telling important stories, especially those involving students who may not have supportive home environments. Furthermore, excessive administrative oversight can lead to self-censorship, discouraging students from reporting on controversial but necessary topics.

Mahalo,

Dominic Niyo

Protecting student journalism means protecting the voices of young people. It allows us to develop critical thinking, responsibility, and civic engagement—skills that benefit not just student journalists, but society as a whole. I urge you to support HR 105 and ensure that student journalists can do their jobs without unnecessary restrictions.

**HR-105-HD-1**

Submitted on: 3/31/2025 2:43:45 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Leif Allgood	Individual	Support	In Person

Comments:

My name is Leif Allgood and I feel that this resolution is necessary for student journalism and the ease of publication. This resolution is necessary because the student publication release forms make the process of interviewing harder because a lot of people forget, lose forms or don't get them signed. Just giving verbal consent of having a picture or a quote released would make the process for journalism much much easier because if someone conducted their required amount of interviews and it turns out some people didn't fill in that form means that they're out of those peoples' interviews and those students can't have their voice heard because of it. Therefore I believe this resolution is extremely beneficial and should be passed for the sake of all student journalists

**HR-105-HD-1**

Submitted on: 3/31/2025 9:51:28 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cheryl Rzonca	Individual	Oppose	Written Testimony Only

Comments:

I oppose HR105 & HCR109. There is no need for such a bill as we have our Constitution. This is a redundant measure .

**HR-105-HD-1**

Submitted on: 4/1/2025 10:11:09 AM

Testimony for JHA on 4/1/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nhi Nguyen	Individual	Support	In Person

Comments:

My name is Nhi Nguyen. As a reporter for The Pinion, McKinley High School's student newspaper, I support bills HR105 and HC109.