
HOUSE RESOLUTION

SUPPORTING FREE AND RESPONSIBLE SCHOLASTIC JOURNALISM AND
ACTIVELY SUPPORTING AND HONORING THE FIRST AMENDMENT OF THE
UNITED STATES CONSTITUTION IN STUDENT PUBLICATIONS.

1 WHEREAS, the Department of Education distributes to every
2 student a Student Publication/Audio/Video Release Form "in order
3 to protect students' rights to privacy as outlined in the Family
4 Educational Rights and Privacy Act (FERPA) and the Protection of
5 Pupil Rights Amendment (PPRA),"; and

6
7 WHEREAS, the Student Publication/Audio/Video Release Form
8 must be returned with a parent's signature so that, as stated on
9 the Form, "the student's names and/or likenesses, photo, video,
10 and/or audio may be used in HIDOE school-related publication
11 print and analog/digital media"; and

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13 WHEREAS, the Student Publication/Audio/Video Release Form
14 lists "name and picture in annual yearbook" as an example of a
15 Department of Education or school-related publication covered by
16 FERPA; and

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18 WHEREAS, in a survey of high school student media advisers,
19 all advisers indicated they believe their administrator believes
20 a signed Student Publication/Audio/Video Release form is
21 required to use a student's name and/or photo in school-
22 sponsored student-produced media, such as yearbooks, newspapers,
23 broadcasts, and literary magazines; and

24
25 WHEREAS, the Hawaii Student Journalism Protection Act,
26 enacted under Act 24, Session Laws of Hawaii 2022, and Board of
27 Education Policy 101-9 allows student journalists at public
28 schools to exercise freedom of speech and freedom of the press
29 in school-sponsored media, and protects advisers from
30 retaliation for refusing to infringe upon student press freedom;
31 and
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1 WHEREAS, the Hawaii Student Journalism Protection Act and
2 Board of Education Policy 101-9 state that a student journalist
3 shall be responsible for determining the news, opinion, feature,
4 and advertising content of school-sponsored media; and

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6 WHEREAS, the Hawaii Student Journalism Protection Act and
7 Board of Education Policy 101-9 define "student media" as
8 material:

- 9
- 10 (1) Prepared, written, published, or broadcast in any
11 media by a student journalist at a school;
 - 12
13 (2) Distributed or generally made available, either free
14 of charge or for a fee, to members of the student
15 body; and
 - 16
17 (3) Prepared under the direction of a student media
18 adviser, regardless of whether the material is
19 supported financially by the school or by use of
20 facilities of the school or produced in conjunction
21 with a class for which the student is enrolled; and

22
23 WHEREAS, the Hawaii Student Journalism Protection Act and
24 Board of Education Policy 101-9 state that there shall be no
25 prior constraint of material prepared for school-sponsored media
26 except if the material:

- 27
- 28 (1) Is libelous or slanderous;
 - 29
30 (2) Constitutes a clearly unwarranted invasion of
31 personal;
 - 32
33 (3) Violates state or federal law;
 - 34
35 (4) Is obscene; or
 - 36
37 (5) So incites students as to create a clear and present
38 danger of the commission of an unlawful act, the
39 violation of lawful school or board policies, or the
40 material and substantial disruption of the orderly
41 operation of the school; provided that the
42 determination of a risk of material and substantial



1 disruption shall be based upon specific facts,
2 including past experience at the school and current
3 events influencing student behavior, and not on
4 undifferentiated fear or apprehension; and
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6 WHEREAS, FERPA only restricts the release of information by
7 school officials; outside parties, including student
8 journalists, who are neither employees nor agents of the school,
9 are not covered by FERPA; and
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11 WHEREAS, minors can give consent as long as they are
12 cognitively able to understand what it means to talk to a
13 journalist; and
14

15 WHEREAS, student journalists follow the Society of
16 Professional Journalists Code of Ethics to:
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- 18 (1) Seek truth and report it;
- 19 (2) Minimize harm;
- 20 (3) Act independently; and
- 21 (4) Be accountable and transparent; and
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26 WHEREAS, applying FERPA to student media is unnecessarily
27 placing prior constraint on student journalists; now, therefore,
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29 BE IT RESOLVED by the House of Representatives of the
30 Thirty-third Legislature of the State of Hawaii, Regular Session
31 of 2025, that this body supports free and responsible scholastic
32 journalism and actively supports and honors the First Amendment
33 of the United States Constitution in student publications; and
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35 BE IT FURTHER RESOLVED that the Department of Education is
36 requested to, no later than December 31, 2025:
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- 38 (1) Inform administrators that parent consent is not a
39 legal requirement for publishing student names and
40 photos in school-sponsored student-produced media;
41 provided that the information is:
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- 1 (A) Posted in a medium conspicuous to administrators
- 2 and advisers of school-sponsored student-produced
- 3 media; and
- 4
- 5 (B) Located across any media storage or document
- 6 storage maintained by the Department of Education
- 7 wherever the Student Publication/Audio/Video
- 8 Release Form-General currently exists as a
- 9 supplemental or advisory document;
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- 11 (2) Revise the current Student Publication/Audio/Video
- 12 Release Form-General to remove any language that would
- 13 lead a reasonable person to assume the Form applies to
- 14 school-sponsored student-produced media; and
- 15
- 16 (3) Update the Department of Education website related to
- 17 student privacy to align with the revised Student
- 18 Publication/Audio/Video Release Form; and
- 19

20 BE IT FURTHER RESOLVED that certified copies of this
21 Resolution be transmitted to the Chair of the Board of Education
and Superintendent of Education.

