
HOUSE CONCURRENT 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

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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

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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



1 retaliation for refusing to infringe upon student press freedom;
2 and

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4 WHEREAS, the Hawaii Student Journalism Protection Act and
5 Board of Education Policy 101-9 state that a student journalist
6 shall be responsible for determining the news, opinion, feature,
7 and advertising content of school-sponsored media; and

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

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- 13 (1) Prepared, written, published, or broadcast in any
14 media by a student journalist at a school;
- 15
- 16 (2) Distributed or generally made available, either free
17 of charge or for a fee, to members of the student
18 body; and
- 19
- 20 (3) Prepared under the direction of a student media
21 adviser, regardless of whether the material is
22 supported financially by the school or by use of
23 facilities of the school or produced in conjunction
24 with a class for which the student is enrolled; and
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27 WHEREAS, the Hawaii Student Journalism Protection Act and
28 Board of Education Policy 101-9 state that there shall be no
29 prior constraint of material prepared for school-sponsored media
30 except if the material:

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- 32 (1) Is libelous or slanderous;
- 33 (2) Constitutes a clearly unwarranted invasion of
34 personal;
- 35 (3) Violates state or federal law;
- 36 (4) Is obscene; or
- 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
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1 material and substantial disruption of the orderly
2 operation of the school; provided that the
3 determination of a risk of material and substantial
4 disruption shall be based upon specific facts,
5 including past experience at the school and current
6 events influencing student behavior, and not on
7 undifferentiated fear or apprehension; and
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9 WHEREAS, FERPA only restricts the release of information by
10 school officials; outside parties, including student
11 journalists, who are neither employees nor agents of the school,
12 are not covered by FERPA; and
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14 WHEREAS, minors can give consent as long as they are
15 cognitively able to understand what it means to talk to a
16 journalist; and
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18 WHEREAS, student journalists follow the Society of
19 Professional Journalists Code of Ethics to:
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- 21 (1) Seek truth and report it;
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- 23 (2) Minimize harm;
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- 25 (3) Act independently; and
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- 27 (4) Be accountable and transparent; and
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29 WHEREAS, applying FERPA to student media is unnecessarily
30 placing prior constraint on student journalists; now, therefore,
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32 BE IT RESOLVED by the House of Representatives of the
33 Thirty-third Legislature of the State of Hawaii, Regular Session
34 of 2025, the Senate concurring, that this body supports free and
35 responsible scholastic journalism and actively supports and
36 honors the First Amendment of the United States Constitution in
37 student publications; and
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39 BE IT FURTHER RESOLVED that the Department of Education is
40 requested to, no later than December 31, 2025:
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- 1 (1) Inform administrators that parent consent is not a
2 legal requirement for publishing student names and
3 photos in school-sponsored student-produced media;
4 provided that the information is:
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 - 6 (A) Posted in a medium conspicuous to administrators
7 and advisers of school-sponsored student-produced
8 media; and
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 - 10 (B) Located across any media storage or document
11 storage maintained by the Department of Education
12 wherever the Student Publication/Audio/Video
13 Release Form-General currently exists as a
14 supplemental or advisory document;
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 - 16 (2) Revise the current Student Publication/Audio/Video
17 Release Form-General to remove any language that would
18 lead a reasonable person to assume the Form applies to
19 school-sponsored student-produced media; and
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 - 21 (3) Update the Department of Education website related to
22 student privacy to align with the revised Student
23 Publication/Audio/Video Release Form; and
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- 25 BE IT FURTHER RESOLVED that certified copies of this
26 Concurrent Resolution be transmitted to the Chair of the Board
27 of Education and Superintendent of Education.

