

JOSH GREEN, M.D.  
GOVERNOR



KEITH T. HAYASHI  
SUPERINTENDENT

STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 04/01/2025

**Time:** 02:00 PM

**Location:** 325 VIA VIDEOCONFERENCE

**Committee:** House Judiciary & Hawaiian Affairs

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Resolution Title:** HCR 0109, HD1 SUPPORTING FREE AND RESPONSIBLE SCHOLASTIC JOURNALISM AND ACTIVELY SUPPORTING AND HONORING THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION IN STUDENT PUBLICATIONS.

**Department's Position:**

The Hawai'i State Department of Education (Department) respectfully offers comments on HCR109, HD1, which requests both the House of Representatives and the Senate to support free and scholastic journalism and actively support and honor the First Amendment in student publications. HCR109, HD1, also requests the Department to: 1) inform administrators that parent consent is not a legal requirement for publishing student names and photos in school-sponsored media; 2) revise the current Student Publication/Audio/Video Release Form; and 3) update the Department's website to align with the revised release form.

The Department concurs that student-authored articles published in school-sponsored media are not considered education records which require Family Educational Rights and Privacy Act (FERPA) consent prior to publication. The Department is in the process of clarifying this information with school administrators and plans to further review and discuss the forms mentioned in the resolution.

The Department is committed to honoring the First Amendment of the United States Constitution while also protecting individual rights to privacy.

Thank you for the opportunity to testify on HCR109, HD1.

**HCR-109-HD-1**

Submitted on: 3/29/2025 8:55:30 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>
jessica dias	Free Citizens of Maunaloa	Oppose	Written Testimony Only

Comments:

I OPPOSE this resolution because it removes Parental Rights. Please do better.



April 1, 2025

Rep. David Tarnas  
House Judiciary Committee  
State Capitol  
Honolulu, HI 96813

Re: HR 105 and HCR 109

Chairman Tarnas and Committee Members:

These measures affirm the Legislature's support for free and responsible scholastic journalism and Freedom of the Press in the First Amendment of the Constitution.

The resolutions intend to remind administrators that parental consent is not a legal requirement for publishing students' names and photos in school-sponsored student media. Might we suggest that teachers and school staff also be informed of this as well?

This is critical to protecting the rights of student journalists and preventing prior restraints on the media as prohibited by the First Amendment.

Revision of the current student Publication/Audio/Video Release Form is important to assuring that these rights of student journalists will be protected.

We hope you will pass these measures.

Thank you,

Stirling Morita  
President  
Hawaii Professional Chapter  
Society of Professional Journalists

**HCR-109-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.

**HCR-109-HD-1**

Submitted on: 3/29/2025 1:01:36 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>
Michael Olderr	Individual	Support	Written Testimony Only

Comments:


I approve of this, and I hope that you will support this resolution.

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.

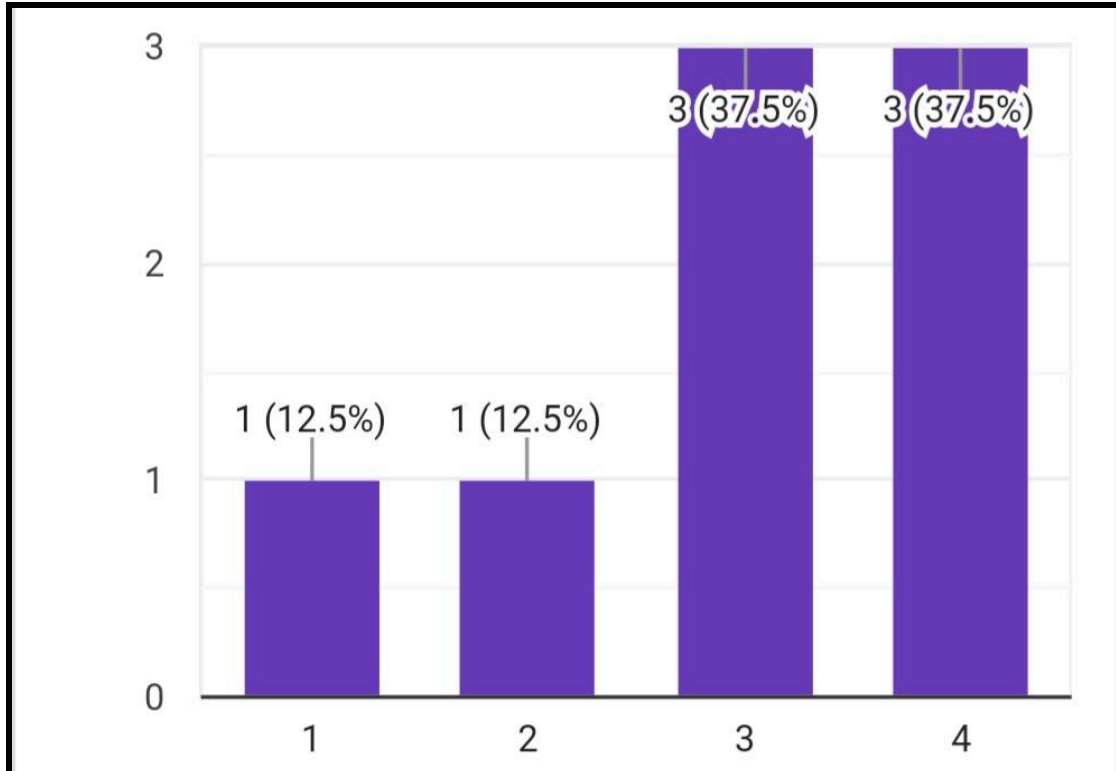
The resolutions explain that FERPA does not apply to student journalists.

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
- 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

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).**

**HCR-109-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.

Testimony of Sean Taketa McLaughlin  
Hawaii' House Committee on Judiciary & Hawaiian Affairs (JHA)  
Tuesday April 1, 2025 at 2:00 pm

TESTIMONY IN SUPPORT OF HCR109 / HR105 Supporting Free and Responsible Scholastic Journalism and Actively Supporting and Honoring the First Amendment of the United States Constitution in Student Publications

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

Thanks for your thoughtful consideration and support of this measure to rebuild a future for ethical journalism. Mahalo to the authors, cosponsors and you for taking concrete action. This measure will advance “digital citizenship” and a real sense of ownership for student journalists.

I offer this testimony with urgency as media ethics are rapidly declining and local journalism is more important than ever. When we introduced the first gavel-to-gavel TV coverage to the Honolulu City Council and then the Hawaii State Legislature, nearly forty years ago, we couldn't imagine the rise of disinformation and predatory algorithms across anti-social media platforms online.

Erosion of journalistic ethics and monetization of local attention create a harmful dynamic - and the decline of transparency and accountability make our information ecosystem toxic.

As a longtime member of the Media Council Hawaii (MCH), I fully support MCH testimony on this measure. As a former faculty member at UH Manoa and Leeward Community College, a consultant director/editor for DOE and and longtime advocate for the integrity of our information ecosystem - your clear educational message in adopting this measure, without unnecessary amendments, is greatly appreciated.

The next generation of student journalists are key to our hopes for a healthy information ecosystem and the integrity of our democracy.

Thanks for your thoughtful consideration of this testimony and please feel free to contact me if you would like more information or perspective on this issue.

Sean Taketa McLaughlin  
[seantaketa@gmail.com](mailto:seantaketa@gmail.com), C: 808-595-4877

**HCR-109-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.

**HCR-109-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

**HCR-109-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 .