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## 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  
12

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 indicated they believe their administrator believes a signed  
20 Student Publication/Audio/Video Release form is required in  
21 order to use a student's name and/or photo in school-sponsored  
22 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  
32



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

5  
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 advisor, 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 is:

- 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  
5

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:  
17

- 18 (1) Seek truth and report it;
- 19
- 20 (2) Minimize harm;
- 21
- 22 (3) Act independently; and
- 23
- 24 (4) Be accountable and transparent; and  
25

26 WHEREAS, applying FERPA to student media is unnecessarily  
27 placing prior constraint on student journalists; now, therefore,  
28

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:  
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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:  
42



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(A) Posted in a medium conspicuous to administrators and advisers of school-sponsored student-produced media; and

(B) Located across any media storage or document storage maintained by the Department of Education wherever the Student Publication/Audio/Video Release Form-General currently exists as a supplemental or advisory document;

(2) Revise the current Student Publication/Audio/Video Release Form-General to remove any language that would lead a reasonable person to assume the Form applies to school-sponsored student-produced media; and

(3) Update the Department of Education website related to student privacy to align with the revised Student Publication/Audio/Video Release Form; and

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

OFFERED BY:



MAR 07 2025

