



STATE OF HAWAII  
DEPARTMENT OF EDUCATION

## Notification of Rights Under FERPA for Elementary and Secondary Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents, guardians, and eligible students (18 years of age or older) certain rights with respect to student education records.

These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the school receives a request for access.

Parents, guardians, or eligible students should submit to the school principal a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent, guardian or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent, guardian or eligible student believe are inaccurate or misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents, guardians or eligible students may ask the school to amend a record that they believe is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. They should write the school principal, clearly identify the part of the record they want changed, and specify how it is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. If the school decides not to amend the record as requested by the parent, guardian or eligible student, the school will notify the parent, guardian or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent, guardian or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member, persons employed by the Hawaii State Department of Health who attends to students, or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional educational responsibility.

Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

4. The right to file a complaint with the Hawaii Department of Education (HIDOE) and/or the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA. The name and address of the HIDOE office to file a complaint are:

Data Governance Office  
Hawaii Department of Education  
P.O. Box 2360  
Honolulu, Hawaii 96804

A complaint may also be filed electronically via email, at [FERPA@notes.k12.hi.us](mailto:FERPA@notes.k12.hi.us).

The name and address of the U.S. Department of Education office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901.

FERPA permits the disclosure of PII from students' education records, without consent of the parent, guardian, or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, disclosures to the parent, guardian, or eligible student, and/or disclosures based on parent, guardian, or eligible student consent, §99.32 of the FERPA regulations requires the school to record the disclosure. Parents, guardians, and eligible students have the right to inspect and review the record of disclosures.

## What is FERPA?

FERPA is a Federal law that protects students' personally identifiable information (PII) and any information directly related to a student that is maintained in student education records. Schools, Complex Area offices, District offices, and state offices in the Hawaii State Department of Education (HIDOE) maintain student information in

- Paper formats, e.g., cumulative, Special Education, and English as a Second language files; and
- Electronic formats, e.g., Longitudinal Data System, Student Information System, electronic Comprehensive Student Support System, email.

These records may contain contact information, enrollment forms, report cards, transcripts, disciplinary letters, and more. PII includes any information which can be linked to a specific student, and which would allow a reasonable person in the community to identify the student.

Parents, guardians, and eligible students (those 18 and older) may:

- inspect and review student's education records by submitting a written request to the school principal that identifies the record(s) they wish to inspect;
- request the amendment of the student's education record to correct inaccurate or misleading information, or correct a violation of the student's privacy rights under FERPA;
- provide written consent before the school releases information contained in the student's education record;
- file a complaint with HIDOE and/or the U.S. Department of Education concerning alleged failures by the school to comply with the requirements of FERPA.

Parents, guardians, or eligible students may make their written requests directly to the school when requesting to inspect, review or amend records or to provide consent to release records.

### Who is responsible for protecting student information?

Because employees and volunteers in HIDOE may come across student information, whether intentionally or by accident, everyone in our schools and HIDOE offices is responsible for protecting that information.

### Who may have access to student education records and PII?

Generally, HIDOE must have written permission from the parent, guardian or eligible student in order to disclose PII or information from a student's education record to non-HIDOE personnel. However, school officials may, if they have legitimate educational interest or to fulfill their professional responsibility, have access to those records without consent. Some examples:

- To analyze data to improve teaching and learning;
- To manage HIDOE operations;
- To evaluate student, teacher, school and program outcomes;
- To provide supports or services to students, teachers and schools;
- To ensure records are accurate.

### When is consent not required to release student information?

Generally, PII and information from a student's education record cannot be shared without consent, but there are several cases where FERPA regulations allow HIDOE to share records without consent. HIDOE makes every effort to ensure student information privacy is protected, and to notify parent, guardians, and eligible students when information is going to

be shared and why. The most common situations include:

- *School Officials.* Individuals designated as school officials by HIDOE may, if they have legitimate educational interest, receive student information without parent, guardian, or eligible student consent. HIDOE encourages staff in our public schools to share student data with colleagues in order to conduct evaluations of programs and student performance to improve outcomes and opportunities for students.

— *Directory Information.* HIDOE may designate some information as Directory Information, which may be released without consent, unless the parent, guardian, or eligible student has requested that information not be shared — this request is sometimes called an "opt out" request. Releasing Directory Information is not considered harmful or an invasion of privacy. Directory information is typically used in school publications, such as:

- A playbill, showing the student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

HIDOE has designated the following information as Directory Information:

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| • Student's name                               | • Weight, height of members of athletic teams                                |
| • Address                                      | • Awards received, including honors, diploma                                 |
| • Phone number                                 | • The most recent former educational agency, institution, or school attended |
| • Date and place of birth                      | • Graduation date  |
| • Enrollment or withdrawal dates               |  |
| • Grade/class level                            |  |
| • Participation in official activities, sports |  |

## FULL GUIDE ONLINE

Parent Notification & Guide to Student Information Privacy in HIDOE — [bit.ly/FERPAGuide](http://bit.ly/FERPAGuide)

If a parent, guardian, or eligible student submits a written request for non-disclosure, sometimes referred to as an "opt out," HIDOE may not disclose any or part of the student's directory information per the non-disclosure request. The school will accept a signed and dated letter from the parent, guardian, or eligible student.

"Notice for Directory Information" can be found at [bit.ly/hidoedirectoryinfo](http://bit.ly/hidoedirectoryinfo).

— *Transfer of Education Records.*

HIDOE may disclose education records to another school or post-secondary institution at which the student seeks or intends to enroll or transfer, if the disclosure is for purposes of the student's enrollment or transfer.

— *Health or Safety Emergency.* HIDOE may disclose information from education records in order to protect the health or safety of students or other individuals in the event of an impending or actual emergency or natural disaster.

— *State and Federal Agencies.* HIDOE may release education records to authorized representatives of the United States Comptroller General, Attorney General, or Secretary. HIDOE may also release education records to state and educational authorities.

— *Studies and Evaluations.* An individual, company, or organization conducting a study or evaluation on behalf of HIDOE may receive information from student education records if they only use the information for a specified purpose, and may not reuse that information or share it with another individual, company, or organization. They also may not use that information for marketing purposes.

**How does HIDOE use student data to improve?**

HIDOE shares student information across schools in the state in order to evaluate and improve instruction, and thereby provide better educational opportunities and outcomes for students. This sharing takes several forms:

- A student's past history is shared "forward" with the school officials in the school and Complex Area that she is now enrolled in or intends to enroll in. This ensures that the student's needs are met despite her transition. This process helps schools plan for incoming students.
- Data on current students are shared "back" to the school officials in the school and Complex Area a student was in during previous years to enable school officials to reflect on the policies and practices that may have affected a particular student's outcomes.
- Student data are analyzed at the Complex Area and State level to help determine which policies are effective and which need to be changed.

**What is the Protection of Pupil Rights Amendment (PPRA)?**

The federal PPRA affords parents certain rights regarding our conduct of surveys, collection and use of information. These include, but are not limited to, the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas if it is supported by the U.S. Dept. of Education:
  1. Political affiliations or beliefs of the student or student's parent;
  2. Mental or psychological problems of the student or student's family;
  3. Sexual behavior or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
  6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  7. Religious practices, affiliations, or beliefs of the student or student's parents; or
  8. Income, other than as required by law to determine program eligibility.
- Receive notice and an opportunity to opt a student out of:
  1. Any other protected information survey, regardless of funding;
  2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by

the school or its agent and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and

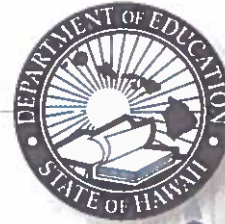
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- Inspect, upon request and before administration or use:
    1. Protected information surveys of students, created by a third party;
    2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
    3. Instructional material used as part of the educational curriculum.

HIDOE will notify parents of students who are scheduled to participate in specific activities or surveys that involve one or more of the protected areas listed above and will provide an opportunity for the parent to opt his or her child out of participation.

Parents who believe their rights have been violated may file a complaint with:

Family Policy Compliance Office  
 U.S. Department of Education  
 400 Maryland Avenue, SW  
 Washington, DC 20202-5901

Notification for Rights Under the PPRA can be found at [bit.ly/hidoeppra](http://bit.ly/hidoeppra).



QUICK GUIDE TO  
**Student Information Privacy**

For more information on privacy rights and laws, and how to exercise your rights, contact your school administrator or visit:

[bit.ly/FERPAHI](http://bit.ly/FERPAHI)

*This brochure is a condensed version of the Parent Notification & Guide to Student Information Privacy in Hawaii public schools. Online: [bit.ly/FERPAguide](http://bit.ly/FERPAguide)*