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, to ensure her needs are met despite her transition, and help schools plan for incoming students.
- Student data 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:

1. 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:
   - Political affiliations or beliefs of the student or student's parent;
   - Mental or psychological problems of the student or student's family;
   - Sexual behavior or attitudes;
   - Illegal, anti-social, self-incriminating, or demeaning behavior;
   - Critical appraisals of others with whom respondents have close family relationships;
   - Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
   - Religious practices, affiliations, or beliefs of the student or student's parents; or
   - Income, other than as required by law to determine program eligibility.
2. Receive notice and an opportunity to opt a student out of:
   - Any other protected information survey, regardless of funding;
   - 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
   - Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
3. Inspect, upon request and before administration or use:
   - Protected information surveys of students, created by a third party;
   - Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
   - 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.

Notification for Rights Under the PPRA can be found at *bit.ly/hidoeppra* or by contacting the school office.

How to file a complaint

Parents who believe their rights have been violated under FERPA or PPRA may file a complaint with:

HIDOE by mail:
Data Governance & Analysis Branch
Department of Education
P.O. Box 2360
Honolulu, HI 96804

HIDOE by email:
FERPA@k12.hi.us

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

PARENT NOTIFICATION



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

This brochure is a condensed version of the Parent Notification & Guide to Student Information Privacy in Hawaii Public Schools and is available online at ***bit.ly/FERPAguide*** or you may obtain a hardcopy from the school.

What is FERPA?

The Family Educational Rights and Privacy Act (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 Learner files; and
- Electronic formats, e.g., Longitudinal Data System, Student Information System, and electronic Comprehensive Student Support System.

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; and
- 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. 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; and
- 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 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 will 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 is sometimes referred to as 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:

- Student's name, address, and telehone number;
- Date and place of birth;
- Dates of attendance (i.e., enrollment and withdrawal dates);
- Grade (class) level;
- Participation in officially recognized activities and sports;
- Weight and height of members of athletic teams;
- Awards received, including honors and Certificates of Completion (e.g., diploma);
- The most recent previous educational agency, institution, or school attended; and
- Graduation date

If a parent, guardian, or eligible student submits a written request to "opt out," HIDOE may not disclose any or part of the student's directory information. The school will accept a signed and dated letter from the parent, guardian, or eligible student. More information regarding Directory Information and how to opt out is available online at *bit.ly/hidoedirectoryinfo*; for a hard copy, please contact the school.

—*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.

For more information on privacy rights and laws, and how to exercise your rights, contact your school administrator or visit: ***bit.ly/FERPAHI***

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