Contact Information
For further information about FERPA, contact:

Data Governance Office
Hawaii State Department of Education
(808) 218-6791

For quick, informal responses to routine questions about FERPA, you may also send an email to the Data Governance Office at ferpa@notes.k12.hi.us.

Family Educational Rights and Privacy Act: Protecting Student Education Records

Q: What is FERPA?
A: The Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student education records. Education records include, but may not necessarily be limited to, report cards, transcripts, disciplinary records, contact and family information, and class schedules. The law applies to all educational agencies and institutions such as schools, school districts, and postsecondary institutions that receive funds under any program administered by the Hawaii State Department of Education (HIDOE). FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level (referred to as an "eligible student"). Generally, schools must have written permission from the parent or eligible student in order to disclose any personally identifiable information from that student's education record.

Q: What is personally identifiable information (PII)?
A: PII includes but is not limited to
• Information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
• Information requested by a person who the school reasonably believes knows the identity of the student to whom the education record relates.

Q: Who bears responsibility for ensuring the protection of parent and student privacy?
A: Everyone in the school is responsible for protecting students' education records and the PII contained within those records. Essentially, anyone in the school who may come across a student's PII, whether intentionally or by accident, is responsible. This includes but is not limited to school administrators, teachers, counselors, health aides, paraprofessionals, cafeteria workers, custodians, bus drivers, and volunteers. In addition to schools, state office level and complex area staff are responsible for complying with FERPA.

Q: Does a school have to provide parents with a copy of their child's education records if they request them?
A: Yes, schools must honor a parent's request to review his/her child's education records. School personnel approached by parents, or other non-school individuals, for copies of student records should immediately refer the requestor to the school office for processing. These requests may require documentation by school officials and are subject to delivery timelines.

Q: When may a student's education records be released without a parent's permission?
A: In most cases, a student's education records cannot be released without a parent's permission (or a student's; if that student is 18 years old or older); however, there are exceptions. Under certain circumstances, FERPA permits, but does not require, schools to disclose PII from education records without parental consent. Below are some examples of when disclosure is permitted without parental consent:
• to school officials with legitimate educational interests;
• to part-time employees and volunteers, for example, who do work for the school that school employees would otherwise do, and are under the direct control of the school;
• to another school at which the student intends to enroll;
• to state or local education authorities for auditing or evaluating federal- or state-supported education programs, or enforcing federal laws that relate to those programs;
• to provide directory information; and
• to comply with a judicial order or a lawfully issued subpoena.

See 34 CFR § 99.31 of the FERPA regulations for the full list of exceptions to the consent requirement.

Q: What is directory information? Why do I need to know about it?
A: Schools may disclose, without consent, "directory" information. However, each year schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request, in writing, that the school not disclose their directory information. In other words, schools must inform parents and eligible students that the student may opt out of having his or her directory information made publicly available. Schools must notify parents and eligible students annually of their rights under FERPA. A listing of HDOE's directory information can be viewed at HDOE's FERPA website, at http://bit.ly/FERPAHI.

Q: Does a school need to keep record of requests and disclosures of PII from a student's education records?
A: Yes. The school must keep a record each time a request is made and each time the school discloses the information. The record must include the requestor of the information and the legitimate reason for obtaining the information. This record must be included as part of the student's record. School personnel approached by parents, or other non-school individuals, for copies of student records should refer the requestor to the school office for processing. These requests may require documentation by school officials.