



**STATE OF HAWAII**  
**DEPARTMENT OF EDUCATION**


P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF STRATEGY, INNOVATION AND PERFORMANCE

June 5, 2020

**ACTION REQUIRED**

TO: Superintendent  
Deputy Superintendent  
Assistant Superintendents  
Complex Area Superintendents  
Principals (All)  
Public Charter School Directors (All)  
State Public Charter School Commission

FROM: Rodney Luke   
Assistant Superintendent

SUBJECT: **Annual Notification of Privacy Rights**

**Action is required.**

Federal laws require the Hawaii Department of Education (HIDOE) to annually notify parents, guardians, and eligible students (18 years or older) about privacy rights under the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA). Under FERPA, HIDOE must designate what student information it has determined as directory information and how a request can be made to withhold such information from being disclosed (i.e., opt-out), unless FERPA guidelines allow disclosure without consent. In accordance with the Every Student Succeeds Act of 2015 (ESSA), HIDOE is required to provide designated military recruitment personnel (in Hawaii, the military's Inter-Service Recruitment Council, or IRC) the name, address, and telephone number (including unlisted number) of secondary school students in grades 6/7-12.

**STUDENT INFORMATION PRIVACY DOCUMENTS, NOTICES AND FORMS**

*Parent Notification-Student Information Privacy Documents, Notices and Forms for School Year 2020-2021 (RS 19-0814)*

Each school year, students are asked to return multiple student privacy forms signed by parents, guardians and eligible students. These documents and notices have been consolidated into a booklet with easy tear-out pages.

Schools will be receiving the *Parent Notification-Student Information Privacy Documents, Notices and Forms for School Year 2020-2021* booklet and the *Student Publication/Audio/Video Release Form* (RS 16-1391) printed on **yellow** paper, in late June. (Please note that these items will likely arrive in two separate shipments.) Please insert the **yellow** *Student Publication/Audio/Video Release Form* (RS 16-1391) into the booklet and distribute to each student within the first week of school /return to school or upon enrollment during the school year.

*Student Publication/Audio/Video Release Forms (RS 16-1391 and RS 17-0924)*

Since HAR §8-34-3 does not list student publications such as photographs and audio/video recordings as directory information, consent is required to allow such student information to be published. All students must submit a signed *Student Publication/Audio/Video Release Form (RS 16-1391)* (**yellow insert**), which is a blanket form to cover all school events and publications during the year and is “all or nothing.” *Student Publication/Audio/Video Release Form (RS 17-0924)* (in booklet) can be used to allow consent for a specific event/publication. For example, form RS 17-0924 may be used for release of photo for yearbook only. High schools should consider using this form as part of their students’ graduation/commencement contract to specifically cover graduation programs and videos. Having two forms requires more record keeping for schools but provides more flexibility, at the school’s discretion than in the past.

*Technology Responsible Use Form (RS 17-0052)*

A signed *Technology Responsible Use Form (TRUF)* must be completed upon enrollment in a new school. TRUF is valid for the student while attending the same school unless rescinded by the parent, guardian, or eligible student, or when the Technology Responsible Use Form (TRUF) is revised.

## **NOTIFICATION REQUIREMENTS**

At the start of the school year or upon enrollment, parents, guardians and/or eligible students must be notified of their privacy rights and opt-out provisions related to the release of directory information and the release of information to military recruiters and institutions of higher learning.

Parents, guardians, and eligible students wishing to opt-out of disclosing directory information must submit their signed, dated, and written request to their school per the “Parents, Guardians, and Eligible Students: Notice for Directory Information”, which can be found at: <https://bit.ly/HIDOEDI>. The Military Recruiters Opt-Out form may continue to be used to opt-out from disclosing information to military recruiters. The form can be found here: <https://bit.ly/HIDOEMILOPT>. The Higher Learning Recruiters Opt-Out form may continue to be used to opt-out from disclosing to institutions of higher learning. The form can be found here: <https://bit.ly/HIDOEIHL>. These forms are available on HIDOE’s Student Privacy page, which can be found here: <http://bit.ly/FERPAHI>.

## **ALTERNATIVE OPTIONS FOR DISTRIBUTION AND COLLECTION FOR SY 2020-21**

The COVID-19 pandemic may affect when students return to school for SY 2020-21. Schools are asked to disseminate the Student Privacy booklets within the first week of school/return to school or upon enrollment during the school year.

### **Distribution of Forms:**

- 1) Physical distribution:
  - Schools can distribute Student Privacy booklets as part of their opening of school year procedures.
  - Schools can distribute booklets to students when students return to campus.
  - Schools can distribute booklets to students during school packet pick up if applicable.
  
- 2) Electronically distribute PDF booklet and forms by including a link in the beginning of the school year correspondence to parents/guardians:
  - Parents/guardians access forms themselves:
    - Student Privacy Webpage (<http://bit.ly/FERPAHI>)
    - PDFs of all forms in the Student Privacy booklets are available on the Student Privacy webpage (<http://bit.ly/FERPAHI>). Parents can go to the website and download and print necessary forms.

- Forms are listed individually. Shortcuts to forms are listed below.
- A PDF of the entire booklet is posted on the Hawaii Public School-Student Privacy webpage (<http://bit.ly/FERPAHI>).
- Schools can post the links to booklet and forms on their webpage.
- Schools can email links to the booklet and forms to parents. (Note: schools would need a valid email address from each parent/guardian)

**Collection of Forms:**

- 1) Physical collection:
  - Parents print and sign forms and drop off or mail completed forms to school. Assuming school offices are open, parents could drop off forms to office. Forms will be collected during school business hours only.
- 2) Electronically submitted forms:
  - Parents could sign the forms (digital or non-digital) and send a PDF of the completed forms to the school. A best practice would be for schools to have a general email address where the forms could be sent to.
  - Faxed forms may also be accepted.

**SCHOOL ACTION**

Document	Action	Copies made by	Changes for 2020-21
Parent Notification-Student Information Privacy Documents, Notices and Forms for School Year 2020-2021 (RS 19-0814)	Booklet (1 per student)  Students to return signed forms to school: <i>(please note page changes from booklet)</i> <ul style="list-style-type: none"> <li>● <b>Student Publication Audio Video (RS 16-1391) (yellow insert) (required)</b></li> <li>● <b>Technology Responsible Use Form (RS 17-0052) (required only upon enrollment or transfer to a new school)</b></li> <li>● <b>Pages 17, 21, &amp; 23 (optional)</b></li> </ul>	Reprographics Section/School as needed	n/a
Student Publication/Audio/Video Release Form, RS 16-1391	Insert this <b>yellow</b> form into each booklet	Reprographics Section/School as needed	n/a
General Confidentiality	<b>All</b> HIDOE employees to read and sign form within 30 days of the start of the school year or date of new hires	Opening of SY Packet	n/a

FERPA 101 Training Video <a href="http://bit.ly/studentprivacy101">http://bit.ly/studentprivacy101</a>	Required for <b>ALL</b> HIDEOE's employees and adult volunteers. Deadline October 15, 2020. Optional for employees and adult volunteers with proof of training completed within the last 5 years.	n/a	n/a
Adult Publication/Audio/Video Release Form (Attachment 1)	Distribute to all HIDEOE employees including volunteers at the school	School	n/a
Student Information Privacy Notification Checklist (Attachment 2)	Principal or designee to return completed fillable pdf to <a href="mailto:ferpa@k12.hi.us">ferpa@k12.hi.us</a> by November 15, 2020	n/a	n/a

Schools are encouraged to announce the privacy rights of students at public meetings, including but not limited to School Community Councils.

Two FAQs (Attachments 4 & 5) are attached to this memo and are for internal use only. If you have questions regarding this memo or information privacy procedures, contact Ms. Jessica Honbo, Student Information Privacy Specialist, Data Governance and Analysis Branch, at (808) 784-6050 or via email at [FERPA@k12.hi.us](mailto:FERPA@k12.hi.us).

RL:jh

- Attachments:
- 1) Adult Publication/Audio/Video Release Form
  - 2) Student Information Privacy Notification Checklist
  - 3) Quick Guide to Student Information Privacy
  - 4) FAQ TRUG\_TRUF
  - 5) FAQ Student Publication/Audio/Video Release Form



STATE OF HAWAII  
DEPARTMENT OF EDUCATION

**Adult Publication/Audio/Video  
Release Form**

*This form combines and replaces the previous Adult Permission to Videotape/Record and Reproduce Work Forms. By signing this form, you agree to the terms and conditions of this agreement. Please complete the following:*

1. *Print all of the following requested information legibly. Use blue or black ink.*
2. *Check the appropriate box below.*
3. *Sign the "Signature" line.*
4. *File with your school's secretary, or your complex area or state office branch secretary, accordingly.*

I hereby give my permission to the Hawaii State Department of Education (HIDOE) to use my work, video recording, or otherwise record my name, voice, and/or likeness in its publications. I understand that examples of my work and/or these recordings of me will be used exclusively for non-commercial, educational purposes, which may include, but is not limited to, distribution by print, internet, or digital media and open-circuit broadcast, closed-circuit, and/or cable television transmission within or outside of the State of Hawaii for the duration of the media.

I understand that there will be no financial or other remuneration for the use of my work and/or recordings, either for the initial or subsequent transmission or playback, and I hereby release the HIDOE from any liability resulting from or connected with the publication of such work or recording. I grant to the HIDOE, permission to use the work or recordings for the duration of the media. I further understand that my permission or consent may be rescinded; however, in order for the revocation of permission/consent to be effective, it must be made in writing and said revocation will not affect the publication or work that has already been produced and/or published.

HIDOE may use my name, likeness, work, and/or bibliographical identification for publicizing and promoting the use of the work or recordings.

HIDOE has my permission to use my work, to videotape, or otherwise record my name, voice, and/or likeness for educational purposes.

- Yes       No

The educational purpose and date(s) of the work and/or recordings that is covered by this form is:

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Name (Please Print)

Title

School or Office/Branch

Signature

Home Address

Date

City, State, Zip Code

# STUDENT INFORMATION PRIVACY CHECKLIST

for School Year 2020-2021

(school name)

All tasks must be completed and submitted electronically to [FERPA@k12.hi.us](mailto:FERPA@k12.hi.us) by **11/20/2020**.

Date Completed	Staff Initial	Task
		Verify the front page of school's website contains student information privacy <b>hyperlink</b> to the HIDOE's webpage, <a href="http://bit.ly/FERPAHI">http://bit.ly/FERPAHI</a> . Note:
		<b>Bookmark</b> school's devices with HIDOE's webpage, <a href="http://bit.ly/FERPAHI">http://bit.ly/FERPAHI</a> , to be able to reproduce pertinent student information privacy documents, notices, and/or forms. Note:
		Display the Privacy Rights <b>posters</b> , RS 14-1820, in clearly visible locations at school. <b>Please contact Jessica Honbo <a href="mailto:FERPA@k12.hi.us">FERPA@k12.hi.us</a> or (808) 784-6050 for more posters.</b>
		Distribute the Parent Notification <b>booklet</b> , RS 19-0814, and Student Publication/Audio/Video Release <b>insert</b> , RS 16-1391 to each student. Note:
		Collect, file, and maintain signed <b>forms</b> in each active student's file. Note:
		All staff and individuals who interact with students and/or student data to complete and obtain certification of the <b>FERPA 101</b> video training at least once every 5 years. <a href="https://studentprivacy.ed.gov/training/ferpa-101-local-education-agencies">https://studentprivacy.ed.gov/training/ferpa-101-local-education-agencies</a>
		SASA to complete, obtain certification, and share information with office staff of <b>SASA</b> Resources Student Privacy Course. Note:
		All staff and individuals who interact with students and/or student data to agree to <b>General Confidentiality</b> in the Opening of the School Year Packet. Collect, file, and maintain signed acknowledgment forms. Note:
		Distribute <b>Adult Publication/Audio/Video</b> Release form, OSIP April 2017, to all adult employees and volunteers. Collect, file, and maintain signed release forms. Note:

Please retain completed checklist for documentation and retrieval purposes until the end of school year, then destroy.



**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/hidoeppepra](http://bit.ly/hidoeppepra) 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:

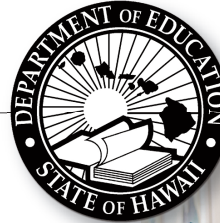
Data Governance & Analysis Branch  
Department of Education  
P.O. Box 2360  
Honolulu, HI 96804

HIDOE by email:

[FERPA@k12.hi.us](mailto: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](http://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](http://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 telephone 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](http://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](http://bit.ly/FERPAHI)



Technology Responsible Use Guideline (TRUG) and Technology Responsible Use Form (TRUF)  
Frequently Asked Questions for HIDOE Use

1. Why is the document long and wordy?  
ANSWER: In 2015, three documents were combined into one, emphasizing the important and significant safety and secure computing reminders. The three documents were the Digital Device Usage Policy (DDUP), Student Internet Use Guidelines, and the Network and Internet Server Acceptable User Guidelines. Duplicative statements were eliminated and in some cases the statements were clarified.
  
2. Why was the TAUG renamed?  
ANSWER: This document represents a shared responsibility among the student, parent/guardian and school. Furthermore, research shows best practices in the Education Industry highlights the need to educate students on responsible use and not only what is deemed to be acceptable actions. Therefore, the Guideline was renamed, Technology Responsible Use Guideline (“TRUG”) and Form is renamed to the Technology Responsible Use Form (“TRUF”).
  
3. In this 2016 version, the form is separate from the notification. Explain why.  
ANSWER: To align to other Student Privacy documents and forms, the notification to parents was created into its own guideline document.
  
4. Does the student AND the parent/guardian need to sign the TRUF?  
ANSWER: If the student is 18 years or older, they are considered an eligible student. Therefore, the parent of an eligible student does not need to sign the form but can if they choose. Students are asked to sign the form along with their parent/legal guardian to heighten their awareness of technology and the safe use of the Internet.
  
5. What happens if student does not return the form?  
ANSWER: School personnel is to remind the student and the parent of the importance of returning the form. Clarify if the parent/guardian forgot or will not provide permission. If form is misplaced or they forgot, school personnel may need to send home an additional form or have the parent print the form at home.
  
6. Parent refuses to sign the form. What does the school do?  
ANSWER: School is to make alternate arrangements by working with HIDOE branches or vendors for paper versions of the curriculum or assessment. An option is to have a school staff member log in for the student and frequently monitor the usage at school. Parents should be made aware that if they do not agree to the TRUG, *the child may be subject to:*
  - *Limited access to programs*
  - *Denial of free---time Internet privileges*
  - *Reduction in computer time*
  - *Denial of digital device take---home privileges*

7. Parent wants to know how much the replacement cost of the device will be before signing the form.  
ANSWER: Difficult to answer because the cost varies with the equipment being replaced. The school will inform the parent of the replacement cost once the costs are known.
8. Now that the form is valid for the duration of the student attending that school, what happens with the student transfers to a new school?  
ANSWER: Whenever a student transfers to another school, a copy of the latest TRUG must be provided and a new TRUF must be signed by the parent/guardian or eligible student.
9. What happens if that transferred student comes back to the previous school?  
ANSWER: If the previous school is able to find this student's TRUF and verifies that it has been signed within the last 12 months, the TRUF is still valid. If the form cannot be located or it is older than 365 days since signed, a new TRUF is to be signed and filed with the school that the student transferred back to.
10. What if the TRUG has been revised since the TRUF has been signed when a student remains at the same school? Does a new TRUF have to be signed?  
ANSWER: The revised TRUG must be provided to the parent/guardian or eligible student and the TRUF must be re---signed. There will be a DOE Memo for reference in the event this occurs for specific directions.
11. Parent has rescinded the signing of the TRUF. What does the school do with the signed form?  
ANSWER: School is to maintain all versions of the TRUF until student completed transition to the next school.
12. What materials are available for Elementary school students to help with explaining the TRUG to them?  
ANSWER: A one---page, double---sided Elementary Student Matching Activity was created, with help from State Resource Teachers, to aid in aligning the TRUG with General Learner Outcome #6 – ***Effective and Ethical User of Technology***. Elementary and a few secondary schools have been teaching to GLO#6 as it is measured in the student's report card (<http://reportcard.k12.hi.us>).
13. Why can't these documents and forms be available online instead of having the schools distribute these to the students to take home?  
ANSWER: Data Governance and Analysis Branch is exploring several options to determine the feasibility. However, not every home has access to the Internet. Therefore schools are requested to make hard copy of the TRUG and TRUF available.
14. Do both parents need to sign the TRUF?

*ANSWER:* Yes, comments have been provided to Data Governance and Analysis branch that only one parent is aware of the TRUG/TRUF. The recommendation is that both parents and the student sign the form.

15. What if parents are divorced, live in separate households, and have joint physical custody, is it required that both parents sign the TRUF, along with the student?

*ANSWER:* If both parents have shared custody and retains educational decision making rights of the student, both parents are to sign. This would entail parents finding a way to communicate with each other without the school interceding. Both parents must understand the responsibility of technology, the Internet, and Network usage by the student while at school or school---sponsored events.

16. If only one parent has sole physical custody, are we required to have both parents sign the TRUF?

*ANSWER:* If both parents have educational decision making rights, both parents should sign the TRUF, if possible. If only one parent has educational decision making right, that parent is to sign on the child(ren)'s TRUF.

17. Is it required to print the Student ID# for elementary students?

*ANSWER:* No, the Student ID # is not required to be entered onto the TRUF. This information is was requested by schools so that the forms could be filed by Student ID # and not by name.

18. Parent or student does not agree to the TRUG/TRUF and will supply their own laptop (or mobile device) and a hotspot. Is that allowable?

*ANSWER:* No. Students may not use their own personal computer or mobile device (such a smartphone or tablet) while at school or at a school event. If school has a one---to---one computer program, the student is to use their assigned computer to complete school assignments that require the use of an electronic device.

Use of personal hotspots to connect to the school's or HIDOE's network is not permitted. A personal hotspot will not be monitored and accessed by the school or HIDOE. The student will not be allowed to connect to any online educational applications using a hotspot at the school or school event. HIDOE will defer to the parent or legal guardian on how their child(ren) connects to the Internet and any non---school authorized websites the child(ren) accesses while working on school assignments at home.

19. School assigns email addresses to students. Should the school remind parents that the email address is only to be used for educational purposes only?

*ANSWER:* Yes. Students' email addresses is only to be used for educational purposes only.

20. School Administrators like the TRUG and TRUF. Are they able to use the TRUF and require HIDOE employees to sign it?

*ANSWER:* The TRUG and TRUF were written for students. HIDOE employees are to follow the Acceptable Use Guidelines found on HIDOE's Intranet.

Student Publication/Audio/Video Release Form  
Frequently Asked Questions for Hawaii Public Schools' Faculty and Staff

1. Why are there two versions of the Student Publication/Audio/Visual Release Form?  
ANSWER: Schools have indicated challenges with RS 16-1391 (blue insert in Parent Notification Student Information Document, Notice, and Forms for SY 2019-2020) since some families have refused to sign the form which has been "all or nothing" in terms of consent for publication. Therefore, RS 17-0924, which is an event-based form, is now available. RS 17-0924 specifies a specific event/publication or a list of specific events/publications for which consent is being granted. For example, RS 17-0924 may be used for release of photo for yearbook only. High schools should consider using this form as part of their students' graduation/commencement contract to specifically cover graduation programs and videos. Having two forms requires more record keeping for schools but provides more flexibility, at schools' discretion, than in the past.
  
2. Schools spend large amounts of time attempting to collect forms, signed and with a "Yes" or "No" selection. Is the school able to default the selection for the students that return the form only with signatures and for students who don't return the form at all?  
ANSWER: No. School staff should remind students and parents of the importance of returning completed forms. If the form is misplaced or forgotten, school staff should send home an additional form or inform the parent that the form is available to print the form from home (reference: <http://ferpa.k12.hi.us>). School staff may not default to "Yes" or "No" on behalf of the parent, nor is the school able to pre-populate the form with a "Yes" prior to seeking signature.  
  
 Schools should attempt to collect the form from the student until the date of the event. Schools should include a note in the student's folder that indicates the dates and times of the attempts to collect the form from the parent/guardian.
  
3. Schools want to file the form by homeroom teacher, can a line be added for the teacher's name on the form?  
ANSWER: To minimize what the parent has to fill out on the form, a teacher's name will not be a line on the form. Space is provided in the signature area for schools to write the teacher's name or homeroom number if the school files the forms by homeroom.
  
4. The new Student Information System has one check box for Student Publication. How do we use the Student Information System to capture the activities / events we have parent consent for?  
ANSWER: The Student Information System does not have the capability to log each activity / event. Schools may choose to log the permission by each student for each activity or event. This log must be kept in a secured and locked cabinet or location and should not be saved on

the Internet using free webhosting services such as Google or Dropbox. The original signed form must be filed in the student's folder.

5. Where does the school file these forms?

ANSWER: Per Family Educational Rights and Privacy Act (34 C.F.R §99.32) and Hawaii Administrative Rule Section 8-34-15, these documents must be stored in the student's folder. Schools may establish procedures they believe will work best for their school. Options may include but are not limited to:

- Establishing a separate folder with the student's name to file all forms in, such as the Student Publication/Audio/Video Release form, the TRUF, the various Opt Out forms and letters, etc. This separate folder may be kept with the Student's Cumulative folder.
- Establishing a separate folder for each event or activity and placing all consents in that folder, alphabetically.

6. Parent requested to review their child's educational record including the publications and recordings their child has been in. Are they able to request this?

ANSWER: Yes, the parent may request to review this. Based on the process established, school staff will need to access the folder where the student's release forms have been stored and retrieve for parent review, as requested.

7. Schools requested to have parent/guardian email or contact number added to the form in the event parents must be contacted. Why doesn't the form have this information?

ANSWER: This request was considered. Supporting the direction to minimize what the parent is required to fill out on the form, this information was not added. Furthermore, if the form is not returned, school personnel would still need to access the student's record to obtain the contact information.

8. A significant number of parents are turning in signed release forms but the "Yes" or "No" boxes are left unchecked. What do we do with these forms?

ANSWER: Schools should make reasonable attempts to have parent/guardian or eligible student complete the form until the event date has passed.

9. Parents of school athletes are taking videos of the games (or pep rallies or fundraising activities) and want to post it on the school's social media site or the school's website. Is this allowable?

ANSWER: The video must be reviewed by school staff and approved by the school administrator before posting to the school's site. All school athletes have signed permission release forms in order to play in the official games where published rosters are required, but other students may be included in the recording who may not have provided permission. Parents may not post directly to school's social media or website, nor add a hyperlink from the school's website to the parent's site to view the videos.

10. The HDOE State Office routinely posts student photos onto the social media or website or retweets school's social media postings. How are they covered to use the photographs of our students?

ANSWER: HIDOE State Office verifies with the school that the parents, guardians of the students or eligible student featured in the photo has signed the consent.

11. Student has an entire Directory Information Opt Out on file but parent provided a ‘Yes’ on the Student Publication/Audio/Release Form for an event or activity. How does the school handle this?

ANSWER: A “Yes” on the Student Publication/Audio/Visual Release Form for an event or activity shall supersede a directory information Opt-Out on file. Though not required, school personnel may contact the parent and confirm the permission. If parent confirms permission, school may display student’s photo, student’s work, video and audio records for the purpose or event stated on the form, but student is still unable to be named in school-related activities and sports if student’s directory information is to be released, exchanged, or communicated. For example, student is able to participate in the graduation ceremony and have their name listed in the program but if directory information opt out has not been rescinded, student’s name cannot be called during the ceremony nor any awards or honors recognized publicly. It would be best for the school to communicate with the parent or legal guardian to verify this was their intention with a complete Directory Information opt out.

12. Teachers are still unclear on whether it is okay to post / display student work publication in the classroom. Teachers feel posted graded or commented work encourages the students to work harder and smarter and take pride in their school work. Please clarify what can be posted.

ANSWER: Refer to the matrix:

Parent Permission on Student Publication Release Form	Graded or Ungraded	Posted/Displayed Student Work	Explanation
If Yes	Ungraded or with no comments	OK to post/display with or without name visible	Student Publication/Audio/Video release form authorizes this
If No	Ungraded or with no comments	Unable to post or display with name visible	Student Publication/Audio/Video release form restricts this
If Yes	Graded or with comments from teachers or peers	Best to not post or display  If this posted of commented/graded work is tied to educational	Grades/feedback on student’s work is an <u>Educational Record</u> and identity must be protected unless consent received
If No	Graded or with comments from teachers or peers	interests, post/display but name or any PII information is to be removed or listed on the back (where no one can see)	Grades/feedback on student’s work is an <u>Educational Record</u> and identity must be protected unless consent received

13. A current teacher is also a candidate for a Master’s or Doctoral Degree. For their coursework the master or doctoral degree candidate wishes to photograph or video record their classroom or a peer’s classroom. What must the school do before the candidate proceeds?



ANSWER: The school's Principal must approve the study and confirm the coursework will not interfere with the classroom curriculum. Once approval is received, the candidate will contact the Data Governance and Analysis Branch to finalize a Data Sharing Agreement. The candidate must also create their own personal consent request for parents of the students who may be photographed or recorded, to sign. The candidate's consent form must clearly indicate the reason for the photographs and/or recording, and that this is not HIDOE- or school-related, but for personal reasons of the teacher. This would also apply to third parties, such as Lion's Club, Marshallese Day, etc., as well. The candidate may not photograph or video record if all consent forms are not collected, or if consent forms indicate that parent does not consent.