



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.

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.